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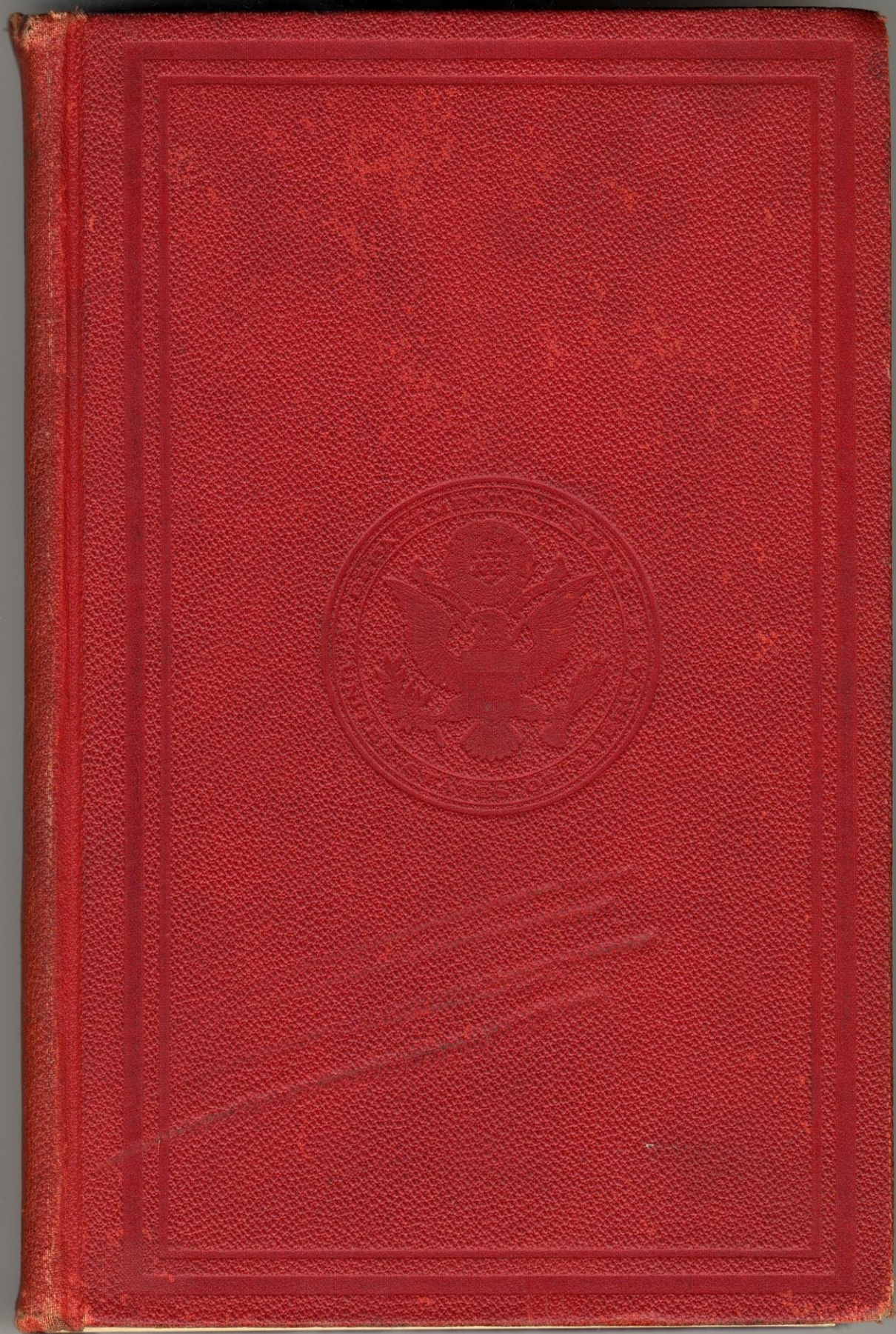
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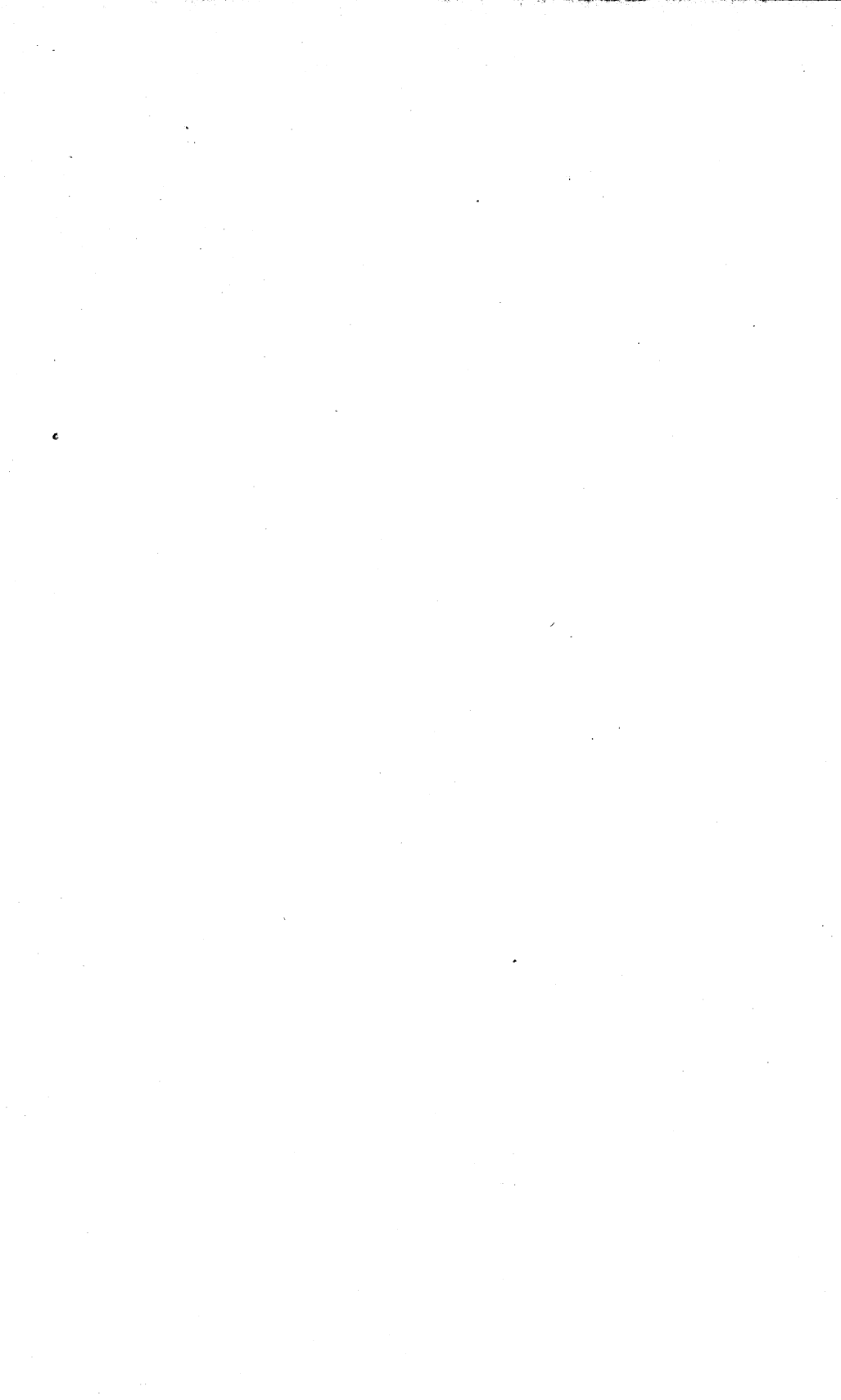


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1918

SUPPLEMENT 2

THE WORLD WAR



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PREFACE

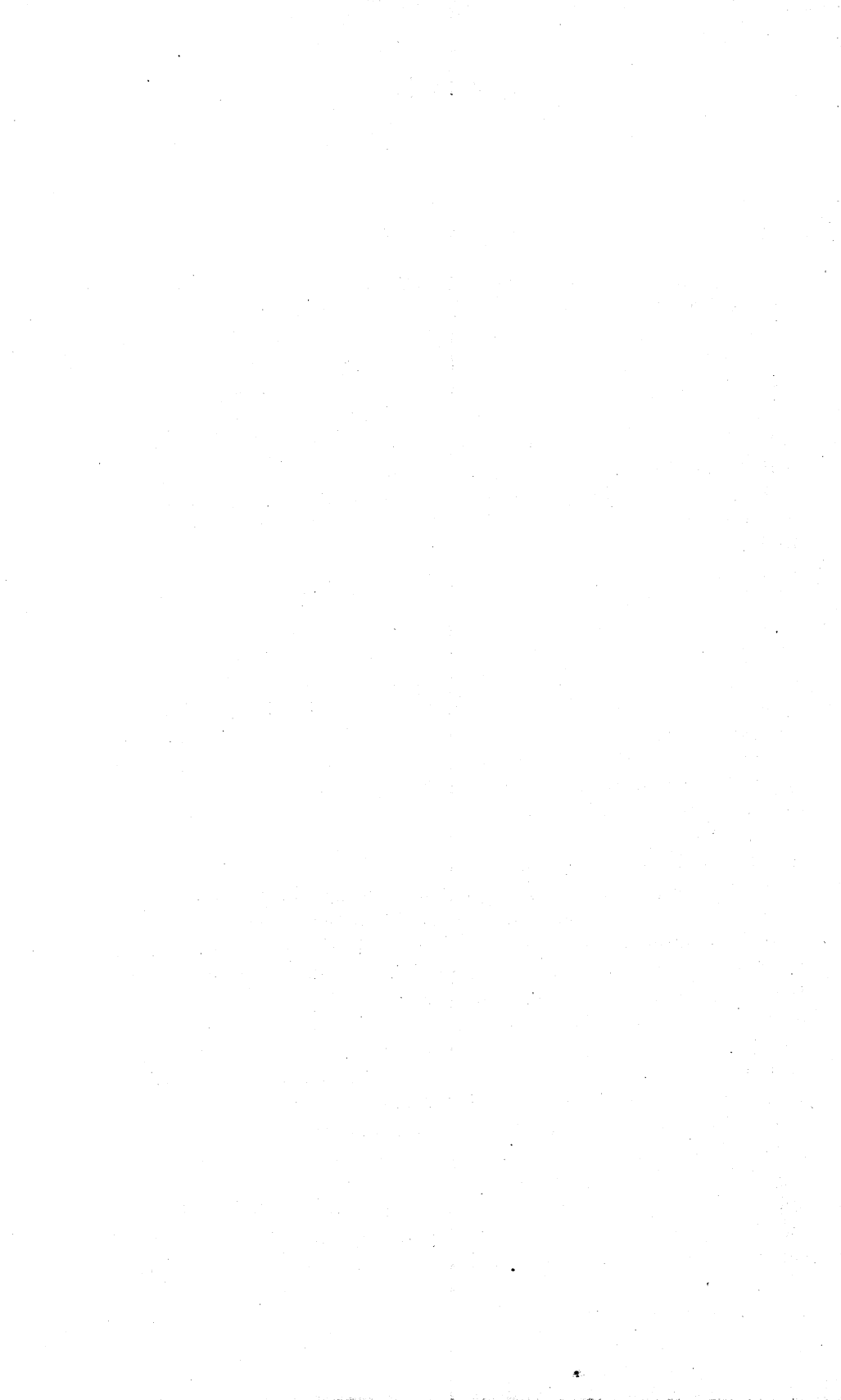
This Supplement to *Foreign Relations* is the last in the series relating to the World War. The period covered by the volume extends in general from April 6, 1917, when the United States entered the war, to November 11, 1918, the date of the armistice with Germany. The subjects treated were not included in Supplement 2 for 1917 and Supplement 1 for 1918, as they are best considered in their continuous development over the entire period of belligerency.

The general principles followed in compiling the volume are given in the preface to *Foreign Relations*, 1914, Supplement, pp. iii-iv.

Brackets, [], occurring in the text enclose editorial insertions. These are of two main types: (1) words or phrases, in ordinary type, supplied to fill in omissions or replace obviously garbled passages in telegrams; and (2) suggested corrections, in italics, following words or phrases which appear to be incorrect. When there is not sufficient evidence to indicate what has been omitted or garbled, or when the words which might be suggested would so seriously affect the sense of the document that supplying them would involve more than an editorial responsibility, notice is taken of defects in the text by the insertion, within brackets, of "omission," "garbled groups," or "*sic*." Insignificant words are corrected or inserted without distinguishing marks.

Parentheses, (), occurring in the text are in the documents themselves. Besides their ordinary use for punctuation, these marks were also employed, in the deciphering and decoding of telegrams, to enclose words or phrases suggested by the decoders as possibly the intended readings of garbled groups which yielded unintelligible or no results. When so employed they have been allowed to stand, unless comparison with other documents showed the suggested reading to have been obviously either correct or incorrect. In the latter case the text within parentheses has sometimes been replaced by an editorial insertion within brackets.

Translations as found in the files have been revised and corrected if found faulty by comparison with texts in the original language or other available versions, but care has been taken to avoid altering in any significant respect important texts that were acted upon or used as sources of information in their existing form.



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- BAILLY-BLANCHARD, Arthur, United States Minister to Haiti.
- BAKER, Newton D., Secretary of War of the United States.
- BAKHMETEFF, Boris A., Russian Ambassador at Washington.
- BALFOUR, Arthur James, British Secretary of State for Foreign Affairs.
- BARCLAY, Colville, British Counselor of Embassy at Washington; Chargé d'Affaires from July 30.
- BARTON, James L., Chairman of the American Committee for Armenian and Syrian Relief.
- BELDEN, Perry, United States Secretary of Legation in Colombia; Chargé d'Affaires.
- BELT, John W., United States Secretary of Legation in Honduras; Chargé d'Affaires, January 18 to February 9.
- BERTRAND, Francisco, President of Honduras.
- BRUN, Constantin, Danish Minister at Washington.
- BURLESON, Albert S., Postmaster General of the United States.
- CALDWELL, John L., United States Minister to Persia.
- CALONDER, Felix L., President of the Swiss Confederation.
- CHAMORRO, Gen. Emiliano, President of Nicaragua.
- CLEMENCEAU, Georges, French Premier and Minister of War.
- CRAWFORD, Sir Richard, Commercial Adviser of the British Embassy at Washington.
- CROSBY, Oscar T., Assistant Secretary of the Treasury of the United States; President of the Inter-Allied Council on War Purchases and Finance.
- CURTIS, Charles B., United States Secretary of Legation in Honduras; Chargé d'Affaires, February 9 to October 1.
- DA GAMA, Domicio, Brazilian Ambassador at Washington.
- DANIELS, Josephus, Secretary of the Navy of the United States.
- DAVIS, John W., Solicitor General of the United States to November 21; member of the American Commission to the American-German Prisoners of War Conference at Berne, September 24-November 11; United States Ambassador to Great Britain from November 21.
- DAVIS, Norman H., United States Treasury representative at London and Paris.
- DAVISON, Henry P., Chairman of the War Council of the American Red Cross.
- DE BROQUEVILLE, Baron Charles, Belgian Prime Minister and Minister of Food Supplies.
- DE CARTIER DE MARCHELLENNE, E., Belgian Minister at Washington; Appointed Ambassador from September 13, 1919.
- DE CHAMBRUN, Charles, French Counselor of Embassy at Washington; Chargé d'Affaires, December, 1918, to June, 1919.
- DE IPANEMA MOREIRA, Alberto, Brazilian Counselor of Embassy at Washington; Chargé d'Affaires from October 20.

- DINICHERT, Paul, Chief of the Division of Foreign Interests and Internment of the Swiss Political Department; presiding officer at the American-German Prisoners of War Conference at Berne, September 24-November 11.
- DJEMAL PASHA, Turkish Minister of Marine.
- DODGE, H. Percival, Special Agent to Serbia (at Corfu) of the Department of State of the United States.
- DRESEL, Ellis L., United States War Trade Board representative at Berne; an Assistant American Commissioner at the American-German Prisoners of War Conference at Berne, September 24-November 11.
- EKENGREN, W. A. F., Swedish Minister at Washington.
- ELIZALDE, Rafael H., Ecuadoran Minister at Washington.
- ELKUS, Abram I., United States Ambassador to Turkey from July 21, 1916.
- ESTRADA CARRERA, Manuel, President of Guatemala.
- EWING, John, United States Minister to Honduras.
- FOSTER, John G., United States Consul General at Ottawa.
- FRANCIS, David R., United States Ambassador to Russia.
- FREYRE Y SANTANDER, Manuel de, Peruvian Minister at Washington.
- GARRETT, John W., United States Minister to the Netherlands (accredited also to Luxemburg); Chairman of the American Commission to the American-German Prisoners of War Conference at Berne, September 24-November 11.
- GARY, HAMPSON, United States Agent and Consul General at Cairo.
- GERARD, James W., United States Ambassador to Germany, July 28, 1913, to May 15, 1917.
- GODING, Frederic W., United States Consul General at Guayaquil.
- GONZALES, William E., United States Minister to Cuba.
- GOTTSCHALK, Alfred L. M., United States Consul General at Rio de Janeiro.
- GRANT-SMITH, Ulysses, United States Counselor of Legation in Denmark; Chargé d'Affaires.
- GREGORY, Thomas W., Attorney General of the United States.
- GREW, Joseph C., United States Counselor of Embassy in Austria-Hungary, February 19 to May 23, 1917; Chargé d'Affaires, April 7 to April 14, 1917; assigned to duty in the Department of State of the United States May 23, 1917; Acting Chief of the Division of Western European Affairs of the Department of State from March 14, 1918.
- HARTE, A. C., International Secretary of the Young Men's Christian Association.
- HERTLING, Count Georg F. von, German Imperial Chancellor to September 30.
- HOHENLOHE LANGENBURG, Prince zu, German Military Inspector of Volunteer Nursing; Chairman of the German Commission to the American-German Prisoners of War Conference at Berne, September 24-November 11.
- HOOVER, Herbert C., Chairman of the Commission for Relief in Belgium; United States Food Administrator.
- HORTON, George, United States Consul General at Saloniki.
- HOUSE, Edward M., Special Representative of the United States at the Inter-Allied Conference at Paris, November 29-December 3, 1917.
- HÜBSCHER, Carl P., Swiss Secretary of Legation at Washington; Chargé d'Affaires, July 23 to August 27, 1917, and June to September, 1918.
- HYMANS, Paul, Belgian Minister of Foreign Affairs.
- IGNATIUS, Kaarlo, Finnish Commissioner on Special Mission at Washington.
- JEFFERSON, Benjamin L., United States Minister to Nicaragua.
- JOHNSON, Stewart, United States Secretary of Legation in Costa Rica; Chargé d'Affaires.
- JUSSERAND, Jules J., French Ambassador at Washington.
- LANSING, Robert, Secretary of State of the United States.

- LAUGHLIN, Irwin B., United States Counselor of Embassy in Great Britain; Chargé d'Affaires, May 18 to July 17, and October 3 to December 17.
- LEAVELL, William H., United States Minister to Guatemala.
- LEFEVRE, Ernesto T., Panaman Minister of Foreign Affairs.
- LEFFINGWELL, Russell C., Assistant Secretary of the Treasury of the United States.
- LINDSAY, Ronald C., British Counselor of Embassy at Washington from June 11, 1919; Chargé d'Affaires June 11 to October 1, 1919.
- LONG, Boaz W., United States Minister to Salvador, July 29, 1914, to December 30, 1917.
- MACCHI DI CELLERE, Count Vincenzo, Italian Ambassador at Washington.
- MACMURRAY, John V. A., United States Chargé d'Affaires in China, July 1 to October 11.
- MCADOO, William Gibbs, Secretary of the Treasury of the United States.
- MCCORMICK, Vance C., Chairman of the United States War Trade Board.
- MÉNDEZ, Joaquín, Guatemalan Minister at Washington.
- MICHAÏLOVITCH, Lioubomir, Serbian Minister at Washington.
- MORGAN, Edwin V., United States Ambassador to Brazil.
- MORRIS, Ira N., United States Minister to Sweden.
- MOSHAVER-OL-MAMALEK, Persian Minister of Foreign Affairs.
- MURPHY, Dominic I., United States Consul General at Sofia.
- NAÓN, Rómulo S., Argentine Ambassador at Washington.
- OEDERLIN, Frederick, Commercial Adviser of the Swiss Legation at Washington; Chargé d'Affaires, September to November.
- PADEREWSKI, Ignace Jan, representative in the United States of the Polish National Committee at Paris.
- PAGE, Thomas Nelson, United States Ambassador to Italy.
- PAGE, Walter Hines, United States Ambassador to Great Britain to November 21.
- PALMER, A. Mitchell, Alien Property Custodian of the United States.
- PASHITCH, Nikola P., Serbian President of the Council and Minister of Foreign Affairs.
- PEÇANHA, Nilo, Brazilian Minister of Foreign Affairs.
- PENFIELD, Frederic C., United States Ambassador to Austria-Hungary from July 28, 1913.
- PERSHING, Gen. John J., Commander in Chief of the American Expeditionary Forces in Europe.
- PHILLIPS, William, Assistant Secretary of State of the United States.
- PICHON, Stephen, French Minister of Foreign Affairs.
- POLAND, William B., Director for Europe of the Commission for Relief in Belgium.
- POLK, Frank Lyon, Counselor for the Department of State of the United States.
- PRICE, William J., United States Minister to Panama.
- QUINTANA, Federico M., Argentine Counselor of Embassy at Washington; Chargé d'Affaires, January 16 to July 10, 1918, and November 20, 1918, to March 3, 1919.
- READING, Earl of (Rufus Daniel Isaacs), British High Commissioner and Ambassador on Special Mission at Washington from February 13.
- REINSCH, Paul S., United States Minister to China.
- RIAÑO Y GAYANGOS, Juan, Spanish Ambassador at Washington.
- RITTER, Paul, Swiss Minister at Washington, June 11, 1909, to July 23, 1917.
- ROUSSOS, Georges, Greek Minister at Washington.
- SAMMONS, Thomas, United States Consul General at Shanghai.

SCAUVENIUS, Erik, Danish Minister of Foreign Affairs.

SHARP, William G., United States Ambassador to France.

SIMS, Admiral William S., Commanding United States Naval Operations in European Waters.

SOLF, Wilhelm, German Secretary of State of the Colonial Office in the Cabinet of Count von Hertling, and of the Foreign Office in the Cabinet of Prince Max of Baden.

SONNINO, Baron Sidney, Italian Minister of Foreign Affairs.

SPRING RICE, Sir Cecil Arthur, British Ambassador at Washington to February 13.

STIMSON, Frederic J., United States Ambassador to Argentina.

STOVAL, Pleasant A., United States Minister to Switzerland.

SULZER, Hans, Swiss Minister at Washington from August 27, 1917.

SYMON, Charles, Belgian Counselor of Legation at Washington; Chargé d'Affaires, March 7 to September 11, 1919.

VÁSQUEZ, Mariano, Honduran Minister of Foreign Affairs.

WADSWORTH, Eliot, Vice Chairman of the Central Committee of the American Red Cross.

WHITLOCK, Brand, United States Minister to Belgium.

WILLARD, Joseph E., United States Ambassador to Spain.

WILSON, Hugh R., United States Secretary of Legation in Switzerland; Chargé d'Affaires to March 4.

WILSON, William B., Secretary of Labor of the United States.

WILSON, Woodrow, President of the United States.

ZIMMERMANN, Artur, German Secretary of State for Foreign Affairs, November 21, 1916, to August 4, 1917.

LIST OF PAPERS

[Incoming papers are listed chronologically under date of receipt. Unless otherwise specified, the correspondence is *from or to* officials in the Department of State.]

I. PRISONERS OF WAR

TREATMENT OF PRISONERS OF WAR

No.	Date	From and to whom	Subject	Page
616	May 15, 1917 [Rec'd May 16]	From the Postmaster General	Order No. 211, suspending mail service for and via Germany, does not apply to mail to or from prisoners of war.	1
	May 29, 1917	To the Minister in Switzerland (tel.)	Proposes centralized organization in Switzerland for relief of U.S. prisoners of war in Germany.	1
991	June 2, 1917 [Rec'd June 4]	From the Minister in Switzerland (tel.)	Report on organizing in Switzerland relief work for U.S. prisoners in Germany.	2
2620316	June 16, 1917	From the Secretary of War	Functions of National Committee on Prisons and Prison Labor. Privileges of Swiss Minister.	3
2055	June 16, 1917 [Rec'd June 17]	From the Minister in Switzerland (tel.)	Organization of the American Prisoners Central Committee.	4
2418	July 5, 1917	To the Ambassador in France (tel.)	Question of free entry and transit through France of supplies for U.S. prisoners and interned civilians.	4
2330	July 26, 1917 [Rec'd July 27]	From the Ambassador in France (tel.)	France is disposed to grant transit facilities for U.S. prisoner supplies; arrangements therefor.	5
822	Aug. 8, 1917	To the Minister in Switzerland (tel.)	U.S., French, German, and Swiss negotiations for reciprocal free transit of parcels for U.S. and German prisoners.	6
613	Aug. 9, 1917	To the Secretary General of the War Council, American Red Cross	Grounds upon which negotiations are being conducted for reciprocal free transit of parcels for prisoners.	7
	Aug. 22, 1917	To the Ambassador in Spain	Howland of American Red Cross to set up in Europe supply system for U.S. prisoners in Germany. Spanish cooperation requested.	7
1494	Aug. 22, 1917 [Rec'd Aug. 24]	From the Minister in Switzerland (tel.)	French delay in permitting free transit of parcels through France for German prisoners in America.	9
1650	Sept. 15, 1917 [Rec'd Sept. 17]	From the Minister in Switzerland (tel.)	French Line boats transport limited number of parcels to U.S. prisoners in Germany at fourth-class rate.	9

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No.	Date	From and to whom	Subject	Page
IX Prinz 6	Sept. 18, 1917	From the Swiss Minister	German request for Swiss inspection of camps where officers and crews of <i>Kronprinz Wilhelm</i> and <i>Prinz Eitel Friedrich</i> are imprisoned.	10
506	Sept. 21, 1917	To the Swiss Minister	No objection to Swiss inspection of war prison camps, as requested by Germany.	10
	Sept. 24, 1917	To the Swiss Minister	Limitation of privilege of postal correspondence of prisoners of war in America.	11
988	Oct. 3, 1917	To the Chargé in Switzerland (tel.)	Limited number of parcels permitted on French Line is satisfactory for the present.	11
	Oct. 9, 1917	To the Swiss Minister	German prisoners in America will be permitted to receive visitors under certain restrictions.	12
	Oct. 19, 1917	From the Secretary of War	Suggested commission to deal with affairs of U.S. and German prisoners is not approved.	12
1921	Oct. 25, 1917 [Rec'd Oct. 26]	From the Chargé in Switzerland (tel.)	Suggestion that U.S. Ambassador in France be directed to request of France free transit of parcels.	13
877	Nov. 12, 1917 [Rec'd Nov. 13]	From the Chargé in Spain (tel.)	Quotes Spanish <i>note verbale</i> stating Germany refuses to permit inspection of prison camps by agents of American Red Cross.	13
1143	Nov. 21, 1917	To the Chargé in Switzerland (tel.)	French Line is taking measures to insure transportation of postal packages for U.S. and German prisoners.	14
3016	Nov. 26, 1917 [Rec'd Nov. 28]	From the Chargé in Switzerland (tel.): Dresel to Red Cross	Spanish report on camp conditions at Brandenburg.	14
46	Dec. 1, 1917	To the Swiss Minister	Proposed reciprocity with Germany regarding privilege of permitting prisoners to converse with prison-camp inspectors without witnesses.	15
	Dec. 3, 1917	To the Chairman of the War Trade Board	Plan approved for censorship and transmission of mail and parcels to and from U.S. and German prisoners.	15
6121	Dec. 26, 1917	To the Ambassador in Great Britain (tel.)	Instructions to secure information from British escaped prisoners regarding U.S. prisoners in Germany.	17
	Dec. 31, 1917 [Rec'd Jan. 2, 1918]	From the Chargé in Switzerland (tel.)	German assent to transmission of parcels for prisoners in Germany.	17
814	Jan. 4, 1918	To the Ambassador in Spain (tel.)	Report of proposed ill-treatment of U.S. prisoners in Germany. Investigation requested.	17

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No.	Date	From and to whom	Subject	Page
3043	Jan. 8	To the Ambassador in France (tel.); the same to representatives in certain other countries	Free transmission in the United States of mail and parcels for prisoners of war. Same requested of Government to which accredited.	18
3020	Jan. 11 [Rec'd Jan. 12]	From the Ambassador in France (tel.)	Germany acquiesces in and France gives instructions for forwarding to prisoners postal packages from the United States.	18
	Jan. 15	To the Swiss Minister	No objection to transmission of limited sums of money to enemy prisoners in Entente countries; application to W.T.B. suggested.	18
	Jan. 16 [Rec'd Jan. 17]	From the Swiss Legation	Swiss telegram reports German statement that U.S. prisoners will be treated like other prisoners.	19
850	Jan. 28	To the Ambassador in Spain (tel.)	Instructions to request Spain to present to Germany U.S. protest against ill-treatment of U.S. prisoners.	19
1906	Feb. 3 [Rec'd Feb. 4]	From the Chargé in Denmark (tel.)	Quotes Danish note agreeing to free transit of mail and parcels for prisoners of war.	21
2004	Undated [Rec'd Feb. 5]	From the Minister in the Netherlands (tel.)	Netherland assent to free transit of mail and parcels to or from prisoners of war.	22
2607	Feb. 9 [Rec'd Feb. 11]	From the Chargé in Switzerland (tel.)	Swiss assent to free transit, for the present, of mail and parcels to U.S. prisoners in enemy countries.	22
1062	Feb. 12	From the Ambassador in Spain (tel.)	German reply to U.S. protest against ill-treatment of U.S. prisoners.	22
IX Prinz 6	Feb. 13 [Rec'd Feb. 15]	From the Swiss Minister	Germany now concedes U.S. prisoners the privilege of conversation without witnesses. Like privilege requested for German prisoners.	23
2720	Feb. 25 [Rec'd Feb. 26]	From the Chargé in Switzerland (tel.)	Suggested arrangement for furnishing counsel in court proceedings against U.S. prisoners in Germany. Case of Paul Nagel.	24
1557	Mar. 4	To the Chargé in Switzerland (tel.)	Approval of arrangement for defense in court proceedings against U.S. prisoners. Intimation of reprisal in Nagel case.	24
160	Mar. 18	To the Swiss Minister	Privilege of conversing with German prisoners without witnesses is granted.	25
6976	Mar. 21	To the Ambassador in Great Britain (tel.); <i>mutatis mutandis</i> , to the Ambassadors in France and Italy	Instructions to inquire what assistance Great Britain will accord U.S. citizens in British Army or Navy who may be captured by the enemy.	25

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2902	Mar. 20 [Rec'd Mar. 23]	From the Minister in Switzerland (tel.)	German Army regulations for clothing of prisoners of war.	26
2209	Mar. 26	From the Minister in the Netherlands (tel.)	Proposed purchase of food in America by Dutch-American committee in Amsterdam for supplying U.S. prisoners in Germany.	26
1062	Mar. 28	To the Minister in the Netherlands (tel.)	Efforts of Dutch-American committee to feed U.S. pris- oners in Germany should be discouraged. Complete ar- rangements already made.	27
3587	Apr. 12 [Rec'd Apr. 13]	From the Ambassa- dor in France (tel.)	French regulations and pro- posals for facilitating free transit of prisoners' mail.	27
3715	Apr. 25 [Rec'd Apr. 26]	From the Ambassa- dor in France (tel.)	France will accord to U.S. citi- zens in French Army, who may be captured, same as- sistance as to its own na- tionals.	28
1564	May 1	From the Ambassa- dor in Italy (tel.)	Quotes Italian note according to U.S. citizens in Italian Army, who may be captured, same assistance as to its own nationals.	29
3315	May 9 [Rec'd May 10]	From the Minister in Switzerland (tel.)	Concentration of U.S. prisoners of war at Tuchel and Brand- enburg camps.	30
10070	May 15	From the Ambassa- dor in Great Brit- ain (tel.)	Great Britain will accord to U.S. citizens in British Army, who may be captured, same treatment as to British sub- jects.	30
1385	June 4	To the Minister in the Netherlands (tel.)	Instructions for consuls to ad- vise U.S. prisoners escap- ing from Germany to report to U.S. military attaché at London.	30
2280	July 12	To the Minister in Switzerland (tel.)	Instructions to request Span- ish Embassy, Berlin, to con- vey to Germany U.S. protest against despoiling U.S. pris- oners of their property.	31
3967	July 16 [Rec'd July 17]	From the Minister in Switzerland (tel.)	Germany is disposed to enter into agreement with the United States regarding de- fense of prisoners of war under accusation.	31
4062	July 24 [Rec'd July 26]	From the Minister in Switzerland (tel.)	Swiss to charge half rates for transporting foodstuffs hither- to carried free for prisoners.	32
4071	July 25 [Rec'd July 26]	From the Minister in Switzerland (tel.)	Switzerland seeks consent of interested Governments to half-rate charge for transport- ing prisoners' supplies on Government railways.	32
4104	July 27	From the Minister in Switzerland (tel.)	Joint representations to Swit- zerland against charge for transporting prisoners' con- signments prior to consent by interested Governments.	33

I. PRISONERS OF WAR—Continued

No.	Date	From and to whom	Subject	Page
4199	Aug. 5 [Rec'd Aug. 6]	From the Minister in Switzerland (tel.)	Swiss Federal railways authorized by Federal Council to charge half rates on shipments in bulk, but not on gift packages.	33
2430	Aug. 10	To the Minister in Switzerland (tel.)	Charge of half rates by Switzerland for transport of consignments to prisoners considered reasonable. Instructions.	34
2431	Aug. 12	To the Minister in Switzerland (tel.)	Authorization to request Spanish Embassy, Berlin, to voice U.S. protest to Germany against detention of U.S. prisoners in reprisal camps.	34
4330	Aug. 15 [Rec'd Aug. 18]	From the Minister in Switzerland (tel.)	Removal of U.S. prisoners from Tüchel to Rastatt. Spanish Embassy, Berlin, requested to arrange for internment in interior.	35
4190	Aug. 16 [Rec'd Sept. 10]	From the Minister in Switzerland	Encloses German note, July 24, protesting against U.S. practice of taking fingerprints, etc., of German prisoners.	35
4929	Sept. 27 [Rec'd Sept. 28]	From the Minister in Switzerland (tel.)	Reasons for transfer of U.S. prisoners to Rastatt.	36
5031	Oct. 4 [Rec'd Oct. 6]	From the Minister in Switzerland (tel.)	Germany rejects suggestion of protected camps for U.S. prisoners. Comments.	36
2356	Oct. 26	To the Minister in Switzerland	U.S. practice of taking fingerprints, etc., of U.S. soldiers; same welcomed for U.S. prisoners in Germany.	37
3272	Nov. 5	To the Minister in Switzerland (tel.)	Instructions to request Spanish Embassy, Berlin, to voice U.S. protest to Germany against forcing U.S. prisoners to work in mines, etc.	38

ARRANGEMENT FOR PAYMENT OF OFFICERS

524	June 12, 1917	To the Ambassador in Spain (tel.)	Spain requested to convey to Germany U.S. proposal of reciprocal action regarding pay for officer prisoners.	39
753	Nov. 17, 1917	To the Chargé in Spain (tel.)	Spain requested to bring to attention of Germany further notice of U.S. offer regarding officers' pay.	39
942	Dec. 22, 1917	From the Ambassa- dor in Spain (tel.)	Germany is disposed to come to agreement with the United States regarding officers' pay.	40
	Jan. 4, 1918	From the Secretary of War	Pay to German officer prisoners discontinued until agreement is concluded with Germany.	40
1488	Feb. 23	To the Chargé in Switzerland (tel.)	Request for summary of German despatch regarding officers' pay.	40

I. PRISONERS OF WAR—Continued

No.	Date	From and to whom	Subject	Page
2735	Feb. 27 [Rec'd Feb. 28]	From the Chargé in Switzerland (tel.)	Summary of German proposal regarding officers' pay.	41
1728	Apr. 5	To the Minister in Switzerland (tel.)	Instructions to request Spanish Embassy, Berlin, to convey U.S. reply to German pro- posal regarding officers' pay.	42
4187	Aug. 3 [Rec'd Aug. 4]	From the Minister in Switzerland (tel.)	Quotes German statement agreeing to U.S. proposal rela- tive to officers' pay; certain stipulations named.	43
3009	Sept. 27	To the Minister in Switzerland (tel.)	Germany to be informed that officers' pay will be made ac- cording to proposal, pending solution of matter at Berne conference.	44

PROPOSED REPATRIATION OF SANITARY PERSONNEL

815	Aug. 4, 1917	To the Minister in Switzerland (tel.)	Instructions to inquire through Spanish Embassy, Berlin, whether Germany will con- sider reciprocal release of san- itary personnel.	45
1058	Oct. 26, 1917	To the Chargé in Switzerland (tel.)	German reply regarding pro- posed reciprocal release of sanitary personnel is awaited.	45
1707	Nov. 9, 1917 [Rec'd Nov. 27]	From the Chargé in Switzerland	Encloses German note agreeing to reciprocal repatriation of sanitary personnel. Basis of agreement.	45
1800	Apr. 24, 1918	To the Minister in Switzerland (tel.)	For Germany: The United States is willing to adopt as <i>modus vivendi</i> certain prin- ciples under Hague and Geneva conventions, though not bound by conventions.	48
4968	Sept. 30 [Rec'd Oct. 2]	From the Minister in Switzerland (tel.)	International Red Cross ex- presses surprise at statement that the United States is not bound by Geneva convention.	49
3259	Nov. 2	To the Minister in Switzerland (tel.)	Reasons why the Hague and Geneva conventions not con- sidered binding on the United States. Proposal of <i>modus vivendi</i> remains unanswered.	50

DISPOSITION MADE OF PRISONERS CAPTURED BY AMERICAN FORCES

	Jan. 22, 1918	From the Secretary of the Navy	Discussion of internment in the United States of prisoners captured by U.S. naval forces.	51
	Feb. 21	From the Secretary of War	Quotes cablegram of Jan. 4 to Pershing requesting views as to disposal of prisoners; re- ply; comments.	52

I. PRISONERS OF WAR—Continued

No.	Date	From and to whom	Subject	Page
	Mar. 4	From the Secretary of the Navy	Encloses Sims's message, Mar. 1, containing substance of British Admiralty letter on disposal of prisoners taken by U.S. Navy.	53
	Apr. 17	To the Secretary of War	Quotes and discusses art. 24 of treaty of 1799 with Prussia regarding disposal and treatment of war prisoners.	55
	June 14	From the Secretary of War	Quotes cablegram from Pershing questioning wisdom of bringing to this country all German prisoners, in view of labor situation.	56
	June 21	To the Secretary of War	Views regarding disposal of prisoners of war captured by the United States.	57
	Sept. 5	To the Swiss Chargé	Location in France of prisoners captured by U.S. forces and directions for sending mail.	58
	Sept. 12	From the Acting Secretary of War	Quotes Pershing's message recommending removal to the United States of officer prisoners captured by U.S. forces.	58
	Sept. 18	To the Secretary of War	No objection to sending enemy officer prisoners to the United States.	59
	Sept. 24	From the Secretary of War	Disposal of officer prisoners is now before conference at Berne.	59

THE AMERICAN-GERMAN CONFERENCE AT BERNE: AGREEMENT OF NOVEMBER 11, 1918

813	Aug. 3, 1917	To the Minister in Switzerland (tel.)	American Prisoners Central Committee at Berne as intermediary for war-prison relief; necessity for German recognition; cooperation of Red Cross and Y.M.C.A.	60
1510	Aug. 24, 1917 [Rec'd Aug. 26]	From the Minister in Switzerland (tel.)	Measures recommended by Prisoners Central Committee for agreement with Germany.	61
1670	Sept. 18, 1917 [Rec'd Sept. 20]	From the Chargé in Switzerland (tel.)	Additional points suggested for eventual agreement with Germany; special commissioner advisable.	64
	Nov. 15, 1917	To the Secretary of War	Advisability of reaching general agreement with Germany by negotiation through Spain rather than by conference. Question of separate agreements.	64
2213	Dec. 11, 1917 [Rec'd Dec. 13]	From the Chargé in Switzerland (tel.)	British-Turk and French-German conferences being held at Berne. Similar method advised for settlement of U.S. prisoner matters.	65

I. PRISONERS OF WAR—Continued

No.	Date	From and to whom	Subject	Page
	Dec. 28, 1917 [Rec'd Jan. 4, 1918]	From the Secretary of War	Recommends one general agreement with Germany, covering all questions on treatment of prisoners.	66
	Jan. 17, 1918 [Rec'd Jan. 19]	From the Acting Director of the Bureau of Prisoner Relief, American Red Cross	Necessity for arranging treaty with Germany before Red Cross can properly care for U.S. prisoners.	67
	Jan. 26	To the American Red Cross	Draft of proposed arrangement for prisoner relief will be submitted to Germany through Spanish diplomatic channels.	67
1164	Feb. 21	To the Chargé in Switzerland	For Germany: draft of proposed reciprocal arrangement regarding treatment and privileges of prisoners.	68
1864	May 7	To the Minister in Switzerland (tel.)	Switzerland is requested to provide for internment of certain U.S. invalid prisoners captured by Germany.	76
	May 9	From the Assistant Secretary of State	Direct conference with Germany recommended in order to bring about agreement.	77
1126	May 15	To the Ambassador in Spain (tel.)	Spain is requested to inquire if Germans will meet U.S. delegates at Berne.	78
3461	May 25 [Rec'd May 27]	From the Minister in Switzerland (tel.)	Quotes Swiss note, May 23, acceding to request for internment in Switzerland of U.S. invalid prisoners from Germany.	78
3499	May 29 [Rec'd May 30]	From the Minister in Switzerland (tel.)	Case of Corp. Edward Roberts. Repatriation has been requested.	79
2019	June 1	To the Minister in Switzerland (tel.)	Proposal to Germany of provisional agreement regarding repatriation or neutral internment of invalid prisoners. Case of Thomas McCarthy.	79
3583	June 6 [Rec'd June 8]	From the Minister in Switzerland (tel.)	Urges definite proposals to Germany regarding repatriation and internment of invalid prisoners.	80
2101	June 15	To the Minister in Switzerland (tel.)	Germany to be urged to permit Swiss examination as to eligibility of invalid prisoners for neutral internment or repatriation. Special cases.	80
3703	June 19 [Rec'd June 21]	From the Minister in Switzerland (tel.)	Germany is disposed to enter negotiations with the United States for agreement regarding exchange and internment of prisoners.	81
2147	June 22	To the Minister in Switzerland (tel.)	Proposes date for conference with Germany.	81
3786	June 26 [Rec'd June 27]	From the Minister in Switzerland (tel.)	Germany not in position to fix date for conference at Berne.	82

I. PRISONERS OF WAR—Continued

No.	Date	From and to whom	Subject	Page
2211	July 1	To the Minister in Switzerland (tel.)	Request that Germany set date for conference as soon as possible.	82
2304	July 17	To the Minister in Switzerland (tel.)	Request that Swiss Government nominate national to preside over U.S.—German conference.	82
4042	July 22 [Rec'd July 24]	From the Minister in Switzerland (tel.)	Swiss Government will accept offer to preside over conference if Germany agrees.	83
2349	July 26	To the Minister in Switzerland (tel.)	Request that Switzerland ascertain whether Germany is willing for Swiss national to preside over conference.	83
2410	Aug. 6	To the Minister in Switzerland (tel.)	Request that Germany be urged to make early decision as to date for proposed conference.	84
1659	Aug. 10(?) [Rec'd Aug. 11]	From the Ambassador in Spain (tel.)	Germany suggests that conference take place the middle of September.	84
4302	Aug. 14 [Rec'd Aug. 16]	From the Minister in Switzerland (tel.)	Germany requests Swiss Government to preside over coming conference. Latter consents.	85
1440	Aug. 17	To the Ambassador in Spain (tel.)	Personnel of U.S. commission to Berne conference.	85
	Aug. 22	To the Chairman of the Commission to Prisoners of War Conference	Instructions regarding negotiations with Germany.	86
4641	Sept. 8 [Rec'd Sept. 9]	From the Minister in Switzerland (tel.)	Personnel of German commission to Berne conference.	86
	Sept. 13 [Rec'd Sept. 14]	From the Ambassador in France (tel.): from Garrett	Determination to bring about equal and humane treatment of prisoners of war and interned civilians.	87
	Sept. 13	From the Ambassador in France (tel.): from Garrett	Question of U.S. responsibility for Germans in Cuba, Panama, etc., and German responsibility for Americans in Turkey.	87
5642	Sept. 17	To the Ambassador in France (tel.): to Garrett	Attitude regarding equal and humane treatment of prisoners is approved.	88
	Sept. 17 [Rec'd Sept. 18]	From the Ambassador in France (tel.): from Garrett	Proposals relative to exchange and internment of prisoners on humane basis. Views requested.	88
2776	Sept. 23	To the Minister in Switzerland (tel.): to Garrett	Summary of telegrams from Legations relative to treatment of Germans in certain Latin American countries.	89
2784	Sept. 24	To the Minister in Switzerland (tel.): to Garrett	Feasibility of presenting to the conference the condition of Belgians and French in occupied territory, with view to amelioration. Instructions.	90
2789	Sept. 25	To the Minister in Switzerland (tel.): to Garrett	Conditional approval given proposals relative to exchange and internment of prisoners.	90

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2995	Sept. 25	To the Minister in Switzerland (tel.): to Garrett	Germany and Austria-Hungary notified that American Red Cross, Y.M.C.A., etc., are authorized U.S. relief societies.	91
	Sept. 25 [Rec'd Sept. 27]	From the Minister in Switzerland (tel.): from Garrett	First meeting of conference. Adjournment for separate deliberation on bases of agreement. Essential differences of respective proposals.	91
	Sept. 28 [Rec'd Sept. 30]	From the Minister in Switzerland (tel.): from Garrett	Report on deliberations in second meeting of conference.	92
3026	Sept. 30	To the Minister in Switzerland (tel.): to Garrett	List of cases of injury to Americans in Turkey, of possible use as deterrent to German claims and threats.	93
3045	Oct. 2	To the Minister in Switzerland (tel.): to Garrett	Agreement desired regarding treatment of Germans in U.S. Army, naturalized during the war, when taken prisoners by Germany, and the converse.	94
	Oct. 1 [Rec'd Oct. 3]	From the Minister in Switzerland (tel.): from Garrett	Free hand for commission requested as to employment of exchanged and repatriated prisoners.	94
3073	Oct. 5	To the Minister in Switzerland (tel.): to Garrett	Free hand given commission as to employment of exchanged and repatriated prisoners.	95
	Oct. 5 [Rec'd Oct. 8]	From the Minister in Switzerland (tel.): from Garrett	German proposal of U.S. declaration against internment or deportation of Germans in China; other proposals in conference.	95
3095	Oct. 9	To the Minister in Switzerland (tel.): to Garrett	Instructions regarding question of treatment of Germans in Cuba and Panama and of Americans in Turkey and Bulgaria.	96
3106	Oct. 11	To the Minister in Switzerland (tel.): to Garrett	German proposal with regard to internment or deportation of Germans in China not acceptable.	97
	Oct. 14 [Rec'd Oct. 16]	From the Minister in Switzerland (tel.): from Garrett	Further negotiations regarding release and repatriation of civilian prisoners.	97
	Oct. 18	From the Minister in Switzerland (tel.): from Garrett	Commission desires to propose advance payment to officer prisoners.	98
3147	Oct. 18	To the Minister in Switzerland (tel.): to Garrett	Attitude toward proposed exchange of civilian prisoners.	98
	Oct. 19 [Rec'd Oct. 20]	From the Minister in Switzerland (tel.): from Garrett	Departure of German delegates to Berlin for instructions.	98
	Oct. 20 [Rec'd Oct. 21]	From the Minister in Switzerland (tel.): from Garrett	Terms of proposed agreement with Germany for exchange of interned civilians.	99
	Oct. 25 [Rec'd Oct. 27]	From the Minister in Switzerland (tel.): from Garrett	Germany will not accept provision recognizing as American citizens Germans captured by German forces if naturalized after Aug. 4, 1914.	100

I. PRISONERS OF WAR—Continued

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	Oct. 26 [Rec'd Oct. 28]	From the Minister in Switzerland (tel.): from Garrett	German delegates acquiesce in certain clauses of agreement; other matters pending.	101
3248	Nov. 1	To the Minister in Switzerland (tel.): to Garrett	Reply to suggested advance pay for officer prisoners; sec. 3648, Revised Statutes, quoted.	101
3258	Nov. 2	To the Minister in Switzerland (tel.): to Garrett	No objection to proposed dec- laration in conference regard- ing transport of German pris- oners to the United States.	102
3293	Nov. 7	To the Minister in Switzerland (tel.): to Garrett	U.S. position regarding treat- ment of Germans, naturalized in the United States during the war, who may be captured by Germany, and the converse.	103
	Nov. 11	German-American Agreement	Treatment of prisoners of war, sanitary personnel, and civil- ians.	103

PROPOSED AMERICAN-AUSTRO-HUNGARIAN CONFERENCE

1434	Aug. 16, 1918	To the Ambassador in Spain (tel.)	Instructions to inquire through Spain whether Austria-Hun- gary is disposed to agree to a conference to conclude agree- ment regarding prisoners of war.	157
1871	Oct. 1 [Rec'd Oct. 2]	From the Ambassa- dor in Spain (tel.)	Austria-Hungary agrees to con- ference with the United States to conclude agreement regarding prisoners of war.	158
1629	Oct. 3	To the Ambassador in Spain (tel.)	Instructions for arranging date of proposed conference.	158
5680	Nov. 9 [Rec'd Nov. 11]	From the Minister in Switzerland (tel.)	Austria-Hungary requests that opening of conference be post- poned.	158
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II. ENEMY ALIENS

TREATMENT OF ENEMY ALIENS

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	Feb. 10, 1917	From the Swiss Minister	Quotes German proposal of in- terpretive and supplementary agreement as to art. 23 of treaty of 1799 between the United States and Prussia.	160

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	Mar. 30, 1917 [Rec'd Mar. 31]	From the Swiss Minister	Quotes German communication denying violation of treaties and accusing the United States of violations.	164
1364	Apr. 6, 1917	Proclamation	Formal declaration of a state of war with Germany and regulations prescribing conduct toward alien enemies.	165
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	Apr. 21, 1917	To the Minister in China (tel.)	Enemy aliens not permitted to enter the United States without special authorization.	169
	Apr. 21, 1917	To President Wilson	Question of the detention of Germans inimical to the United States without abrogation of the treaty of 1799.	169
	May 8, 1917	From President Wilson	Privilege of discrimination against Germans desiring to leave who are believed to be inimical to the United States.	170
	May 9, 1917	To the Attorney General	Transmission of the President's letter of May 8, <i>supra</i> .	171
353	May 11, 1917 [Rec'd May 12]	From the Minister in Sweden (tel.)	U.S. press representative returning from Germany reports conditions and general attitude toward Americans remaining there.	172
473	May 17, 1917	To the Swiss Minister	No objection to distribution by Prisoners of War Relief Committee of necessary funds to needy Germans in the United States.	172
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641	June 28, 1917	From the Ambassador in Spain (tel.)	Formalities alleged as causing delay in departure of Americans from Germany and of Germans from the United States.	173
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	July 20, 1917	To the Swiss Minister	Status of German subjects detained at Ellis Island.	174
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774	Sept. 6, 1917	From the Ambassador in Spain (tel.)	Germany will grant passports to Clayton and Whipple.	177
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	Oct. 2, 1917	To Mr. Amos H. Englebeck	Standing of alien enemies in U.S. courts during war.	178
	Oct. 11, 1917	To the Swiss Minister	U.S. policy toward active members of, or reservists in, German military establishment who are in the United States.	179
	Oct. 12, 1917	From the Assistant Attorney General	Consideration will be given inquiry regarding status of German prisoners of war, etc.	179
16	Oct. 22, 1917	To the Swiss Minister	Removal to Hot Springs, N.C., of interned Germans held at immigration station in California.	180
1408	Nov. 16, 1917	Proclamation	Additional regulations prescribing conduct toward alien enemies.	180
	Nov. 23, 1917 [Rec'd Nov. 24]	From the Secretary of War	Plans contemplated for employment of prisoners of war and interned aliens in the United States.	183
	Dec. 4, 1917	To the Secretary of War	Concurrence in proposed plans for employment of prisoners of war but not in plans for interned aliens.	185
1417	Dec. 11, 1917	Proclamation	Formal declaration of state of war with Austria-Hungary and regulations prescribing conduct toward its citizens in the United States.	185
	Dec. 17, 1917	To the Secretary of Labor; the same to the Attorney General and Secretary of War	Tentative scheme for control of relief work among interned enemy aliens in the United States, expense to be borne by Germany.	188
307	Dec. 24, 1917	To the Swedish Minister	Temporary relief permitted Austrian and Hungarian subjects in the United States, pending organization of Government relief control.	189
1436	Feb. 1, 1918	To the Chargé in Switzerland (tel.)	Regulations for official inquiry concerning welfare and whereabouts of persons in the United States.	190
127	Feb. 13	To the Swiss Minister	Contemplated transfer to Hot Springs, N.C., of German subjects interned at Ellis Island and Gloucester City, N.J.	190

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	Mar. 21	To the Secretary of Labor	Approval of only voluntary labor on the part of alien enemies in the United States.	191
1443	Apr. 19	Proclamation	Extension of regulations prescribing conduct toward alien enemies to include women.	192
1793	Apr. 22	To the Minister in Switzerland (tel.)	Authorization for American Red Cross to receive and transmit welfare inquiries through International Red Cross.	194
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	Aug. 9	To the Swiss Chargé	Alien enemies interned in the United States not permitted to send money to Germany.	195
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	Sept. 11	Department announcement	Formation of the National Alien Enemy Relief Committee; its purposes and functions.	197
	Sept. 17	To the Swedish Minister	Austrians and Hungarians are not interned without good cause. Cases of Kunwald and Pohl discussed.	199
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IX	Sept. 30 [Rec'd Oct. 1]	From the Swiss Chargé	Encloses German <i>notes verbales</i> , Aug. 12 and 31: (1) protest against internment of German women; (2) conditional granting of safe-conducts to Mrs. Summers and party.	200
3047	Oct. 2	To the Minister in Switzerland (tel.)	Assumption that attention of Austria-Hungary will be called to inaccuracy of statement that U.S. citizens are not interned in the Monarchy.	201
	Nov. 15	To the Swiss Minister	Status and treatment accorded former employees of German merchant steamship companies, interned at Fort Oglethorpe, Ga.	202
	Dec. 11	To the Swiss Minister	For Germany: U.S. policy regarding internment of German women.	203

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	June 7, 1917	From the Attorney General	Treatment of Alsatian Germans in the United States.	205
	July 23, 1917	To Polish Central Relief Committee of America	Encloses Attorney General's reply, June 29, to protest of Poles against classification as Germans and Austrians.	205
	Mar. 22, 1918 [Rec'd Mar. 23]	From the Attorney General	Suggested change in registration card to prevent classification of French Alsatian-Lorrainers as enemies. Enclosures: letter from French Ambassador, Mar. 18, and reply, Mar. 22.	206
	Mar. 26	To the Representative of the Polish National Committee	Issuance of certificates of Polish nationality to Poles born in Germany, Austria, and Russian Poland. Enclosure: Attorney General's letter, Mar. 21.	210
	Aug. 20	To the Representative of the Polish National Committee	Form of certificates to be issued to certain Poles entitling holders to consideration of U.S. authorities.	212
	Oct. 5	To the Attorney General	Consideration to be accorded Czecho-Slovaks resident in the United States.	213
	Oct. 5 [Rec'd Oct. 8]	From the Attorney General	Views as to status and consideration due Czecho-Slovaks resident in the United States.	214
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PERSONS OF GERMAN BIRTH NATURALIZED IN COUNTRIES OTHER THAN THE UNITED STATES

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	Aug. 24, 1917	To the Consul General at Ottawa	Department of Labor considers as alien enemies Germans naturalized in countries other than the United States.	216
	Dec. 27, 1917	From the Attorney General	Interpretation of sec. 4067, Revised Statutes, and recommendations as to its administration.	217

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	July 18	To the Danish Minister	Summary of case of Capt. Hveissel and opinion regarding his claim, submitted by Department of Justice.	221

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	June 14, 1917	From the Swiss Minister	German inquiry as to treatment of crews of German merchantmen in U.S. ports.	223
54274	June 26, 1917 [Rec'd June 28]	From the Secretary of Labor	Treatment of crews of German merchantmen in U.S. ports.	224
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	Dec. 6, 1917	To the Swiss Minister	Internment at San Francisco of Germans removed from merchantmen in the Philippines.	226
	Apr. 25, 1918	To the Secretary of Labor	Suggested transfer of crews of enemy merchantmen to custody of Department of Justice in order to secure coordination of treatment of interned alien enemies.	227
54278/ General	May 11 [Rec'd May 14]	From the Acting Secretary of Labor	Approval of proposed measures for coordination of treatment of interned enemy aliens.	227

OFFICERS AND CREWS OF CAPTURED AMERICAN MERCHANT SHIPS

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2611	Aug. 27	To the Minister in Switzerland (tel.)	Shipping Board to assume financial relief for interned officers and crews of U.S. merchantmen, whether of U.S. or neutral nationality.	231
2669	Sept. 6	To the Minister in Switzerland (tel.): to Garrett	Shipping Board desires transfer of certain interned officers of U.S. merchant marine to officers' camp. Status as civil prisoners to be maintained.	232

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	Apr. 16, 1918	From the Minister in Panama (tel.)	Panaman attitude toward U.S. directions to transfer to New York Germans interned at Taboga Island.	234
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"ALLY-OF-ENEMY" ALIENS

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	May 12, 1917.	To the Spanish Ambassador	Safe-conducts will be granted by U.S. and British Governments to certain Turkish officials leaving the United States.	249
911	May 15, 1917 [Rec'd May 16]	From the Minister in Switzerland (tel.)	Quotes telegram from Spanish Minister, Vienna, in which Austria accepts U.S. changes in proposed reciprocal agreement.	249
369	May 18, 1917	From the Minister in Sweden (tel.)	From Constantinople: report on departure of Americans from Turkey.	250
591	May 19, 1917	To the Minister in Switzerland (tel.)	Message through Spanish channels to Austria-Hungary of U.S. acceptance of terms of agreement, thereby making it effective.	250
219	May 29, 1917	To the Minister in Sweden (tel.)	Request for further inquiry by Sweden regarding obstacles placed in way of Americans desiring to leave Turkey.	251
414	June 5, 1917	From the Minister in Sweden (tel.)	From Constantinople: further report on departure of Americans.	251
516	June 8, 1917	To the Ambassador in Spain (tel.)	Request that Spain seek extension of time for Americans in Turkey desiring to cross Austria-Hungary <i>en route</i> to Berne.	252
644	June 29, 1917	From the Ambassador in Spain (tel.)	Americans from Turkey will be allowed to pass through Austria-Hungary without time limit.	252
532	July 13, 1917	From the Minister in Sweden (tel.)	From Constantinople: Americans will not be allowed to leave Turkey unless Ottoman subjects are permitted to depart from America.	252
293	July 16, 1917	To the Minister in Sweden (tel.)	Message to Turkey through Sweden: Turkish subjects not prevented from leaving the United States; like privilege expected for Americans in Turkey.	253
546	July 17, 1917 [Rec'd July 18]	From the Minister in Sweden (tel.)	From Constantinople: acute situation in Turkey regarding departure of Americans.	253
569	July 24, 1917	From the Minister in Sweden (tel.)	From Constantinople: departure of more Americans from Turkey reported; facilitating departure of Turks from America is urged.	254
570	July 24, 1917 [Rec'd July 25]	From the Minister in Sweden (tel.)	From Constantinople: Ottoman students in America regarded as having official status; procuring safe-conducts urged.	254
	Aug. 31 1917 [Rec'd Sept. 1]	From the Spanish Minister	Turkish note to be put on record regarding Turkish students who have been allowed to leave America.	255

III. ENEMY PROPERTY

TREATMENT OF ENEMY AND "ALLY-OF-ENEMY" PROPERTY

No.	Date	From and to whom	Subject	Page
	Feb. 8, 1917	Public statement	U.S. respect for all private rights of subjects of foreign states.	256
1366	Apr. 6, 1917	Proclamation	Regulations under which German insurance companies may maintain agencies in the United States.	256
	Apr. 26, 1917 [Rec'd Apr. 27]	From the Swiss Minister	Question of competence of Swiss consuls to receive personal property in settlement of inheritances of absent German heirs.	257
	June 1, 1917	To the Swiss Minister	Subject of competence of Swiss consuls to act for absent German heirs may be taken up by Congress.	258
225	June 1, 1917	To the Swedish Minister	Swedish consuls requested to defer acceptance of money in Austrian and Hungarian inheritance cases, pending action by Congress.	259
1295	June 20, 1917 [Rec'd June 22]	From the Belgian Minister	Belgian proposal that Allies institute reprisal measures against German spoliation in Belgium.	259
12	July 13, 1917	To the Belgian Minister	Private enemy property in the United States can not be confiscated as reprisal measure against German plundering in Belgium.	260
1386	July 13, 1917	Proclamation	Prohibiting transaction in the United States of the business of marine and war risk insurance by German companies.	260
495	Aug. 13, 1917	To the Swiss Chargé	Swiss consuls requested to defer acceptance of money in German inheritance cases, pending action by Congress.	262
2729-A	Oct. 12, 1917	Executive order	Vesting authority in designated officers and making regulations under Trading with Enemy Act and Title VII of Act Approved June 15, 1917.	263
1051	Oct. 24, 1917	To the Chargé in Switzerland (tel.)	For Berlin: inquiry regarding banking restrictions applied to U.S. citizens in Germany.	264
1944/23	Oct. 29, 1917 [Rec'd Oct. 30]	From the Swedish Minister	Request that Swedish consuls be permitted to collect and deposit money belonging to Austro-Hungarians.	265
IV-14	Oct. 31, 1917	From the Swiss Minister	German inquiry concerning U.S. sequestration of enemy property and release of enemy patents.	266
1076	Oct. 31, 1917	To the Chargé in Switzerland (tel.)	For Berlin: inquiry as to report that Germany intends to auction U.S. oil properties in Rumania.	266

III. ENEMY PROPERTY—Continued

No.	Date	From and to whom	Subject	Page
29	Nov. 3, 1917	To the Swiss Minister; similar note to the Swedish and Spanish representatives	Notification of appointment of Alien Property Custodian.	266
774	Nov. 14, 1917	To the Minister in the Netherlands (tel.); the same to the Chargé in Switzerland	For publicity: statement of the Alien Property Custodian as to his plans and purposes in respect to alien property.	267
1672	Nov. 22, 1917	From the Minister in the Netherlands (tel.)	Compulsory registration of enemy property in Germany made applicable to U.S. citizens.	268
	Nov. 24, 1917 [Rec'd Nov. 27]	From the French Ambassador	Proposed note by certain Associated Powers to European neutrals for purpose of securing to Allies enemy stocks gathered in neutral countries.	268
295	Dec. 4, 1917	To the Swedish Minister	Transmits substance of letter from Alien Property Custodian, Nov. 19, on custody of funds of Austrian and Hungarian subjects in the United States.	269
	Dec. 4, 1917	To the Alien Property Custodian	Decision regarding custodianship of dividends from U.S. stock, held by Public Trustee of England, presumably for German subject.	270
2770	Dec. 7, 1917	Executive order	Additional regulations regarding foreign insurance companies doing business in the United States.	270
	Dec. 10, 1917	Statement by the Alien Property Custodian	Assurance against seizure of property of Austro-Hungarians resident in the United States.	271
2017	Dec. 14, 1917	To the French Ambassador	Inexpedient to join in representations to neutrals regarding enemy stocks of goods in neutral countries.	271
	Dec. 21, 1917	To the Alien Property Custodian	Suggestion that no demand be made for property in the United States belonging to residents of Turkey.	272
2289	Dec. 22, 1917 [Rec'd Dec. 24]	From the Chargé in Switzerland (tel.)	Message from Spanish Embassy, Berlin, regarding German intentions relative to U.S. oil interests in Rumania.	272
88	Jan. 3, 1918	To the Swiss Minister; <i>mutatis mutandis</i> , to the Spanish and Swedish representatives	Attention of Swiss consuls called to provision that funds payable to enemy subjects shall be conveyed to Alien Property Custodian.	273
127	Jan. 10 [Rec'd Jan. 15]	From the Belgian Minister	Measures taken by British-French-Belgian conference, Oct. 9, 1917, to check German depredations in occupied territory; U.S. adherence requested.	274

III. ENEMY PROPERTY—Continued

No.	Date	From and to whom	Subject	Page
55	Jan. 14 [Rec'd Jan. 15]	From the British Chargé	British support of Belgian representations concerning measures to check German depredations in occupied territory.	277
331	Jan. 18	To the Swedish Minister	Reply to inquiry as to how provisions of Trading with Enemy Act will apply to Austro-Hungarian subjects.	277
	Jan. 19 [Rec'd Jan. 25]	From the French Ambassador	French support of Belgian representations concerning measures to check German depredations in occupied territory.	278
	Feb. 15	Department memorandum	Negative reply to representations for U.S. adherence to measures to check German depredations in occupied territory.	279n
IV-14	Jan. 25 [Rec'd Jan. 26]	From the Swiss Minister	German inquiries regarding dispossession of Hamburg-American Line and liquidation of other German enterprises.	279
1005	Dec. 22, 1917 [Rec'd Jan. 26, 1918]	From the Ambassador in Spain	Encloses German note, Nov. 30, in reply to U.S. inquiry regarding banking restrictions applied to U.S. citizens in Germany.	279
1414	Jan. 28, 1918	To the Chargé in Switzerland (tel.)	For Berlin and, <i>mutatis mutandis</i> , Vienna: inquiry regarding status of U.S. property in Germany as affected by official acts; request for periodic reports.	281
	Jan. 31	To the Chairman of the Committee on Public Information	For publication: information which should be furnished Department for complete record of American-owned property in enemy countries.	281
	Jan. 30 [Rec'd Feb. 1]	From the French Ambassador	Text of German order of Dec. 13 relative to obligatory custodianship of U.S. interests in Germany.	283
2547	Jan. 31 [Rec'd Feb. 2]	From the Chargé in Switzerland (tel.)	Spanish Embassy, Berlin, reports inquiries from U.S. citizens in Germany regarding sequestration of their property in the United States.	284
1427	Feb. 5	Proclamation	Including within term "enemy" Germans and Austro-Hungarians in custody of War Department, for purposes of Trading with Enemy Act.	284
129	Feb. 13	To the Swiss Minister	Reply to inquiries relative to German patents and private property in the United States. Memorandum of Alien Property Custodian, Feb. 7.	285
	Feb. 23	To the Swiss Minister	Alien Property Custodian will report to Legation quarterly on property under his control belonging to German subjects in Germany.	287

III. ENEMY PROPERTY—Continued

No.	Date	From and to whom	Subject	Page
	Mar. 5	To Messrs. Briesen & Schrenk	Provision by which Mr. Paul Hagspihl may draw upon personal funds deposited with Equitable Trust Co. of N. Y.	288
1605	Mar. 12	To the Minister in Switzerland (tel.)	Property in the United States of U.S. citizens resident in Germany is liable to sequestration.	288
2051	Mar. 16	From the Chargé in Denmark (tel.): Owen to W.T.B.	German press report of official order, Mar. 4, for liquidation of U.S. enterprises in Germany.	289
	Mar. 17 [Rec'd Mar. 20]	From the French Ambassador	Possible effect of U.S. nonadherence to Anglo-Franco-Belgian agreement and of U.S. liquidation of enemy property.	290
8476	Mar. 8 [Rec'd Mar. 25]	From the Ambassador in Great Britain	Encloses German press summary on requiring notification of U.S. and other enemy property in Germany and of German claims against enemy subjects.	291
	Mar. 28	Statement by the Alien Property Custodian	Authorization for sale of enemy holdings in the United States to effect Americanization of properties.	292
2832	Apr. 2	Executive order	Authorizing certain sales to be conducted by Alien Property Custodian pursuant to the Trading with Enemy Act and amendments thereof.	293
	Apr. 11	To the Swedish Minister	Liquidation of Austro-Hungarian insurance companies in the United States.	294
786	Apr. 18	To the Ambassador in Spain	Instructions to ascertain measures taken by Germany regarding property in Germany of U.S. citizens.	294
IV-14-B	Apr. 15 [Rec'd Apr. 22]	From the Swiss Minister	Encloses German note, Mar. 10, protesting against U.S. sequestration of German private property and intimidating retaliatory measures.	295
3163	Apr. 25 [Rec'd Apr. 27]	From the Minister in Switzerland (tel.)	Spanish Embassy, Berlin, quotes extract from German note, Mar. 23, on reprisal measures to be taken against the United States.	296
IV-14	May 10 [Rec'd May 11]	From the Swiss Minister	Germany inquires whether measures for liquidation of German property in the United States have gone into effect.	297
3348	May 13	From the Minister in Switzerland (tel.)	German reprisal measures apply to property of Americans residing in and outside of Germany.	298
2152	May 25	To the French Ambassador; <i>mutatis mutandis</i> , to the Belgian Minister	Taking over of property in the United States of U.S. citizens or of citizens of cobelligerents resident in territory occupied by the enemy.	298

III. ENEMY PROPERTY—Continued

No.	Date	From and to whom	Subject	Page
1454	May 31	Proclamation	Including certain individuals as "enemies" for purposes of Trading with Enemy Act, and requiring reports as to their property.	299
	June 27	To the French Ambassador; similar note to the Belgian Minister	Statement regarding restoration of property in the United States belonging to Frenchmen residing in enemy-occupied territory.	302
1464	June 28	Proclamation	Taking over the property of the North German Lloyd Dock Co. and Hamburg-American Line Terminal and Navigation Co.	302
	June 25 [Rec'd June 28]	From the French Ambassador	Brazil has been requested to consult Allies before rescinding measures relative to private enemy property. U.S. attitude sought.	303
	July 13 [Rec'd July 18]	From the French Ambassador	Approval of sequestration of property in the United States belonging to Frenchmen residing in enemy-occupied territory.	304
	July 24	To the Counselor of the British Embassy	Only limited information given out regarding enemy property taken over by Alien Property Custodian.	305
	July 31	From the Belgian Minister	Approval of sequestration of property in the United States belonging to Belgians residing in enemy-occupied territory.	305
	Aug. 1	To the Russian Ambassador	No further demands will be made for U.S. custodianship of property of Russians residing in enemy territory.	306
IV-B-14	Aug. 22 [Rec'd Aug. 23]	From the Swiss Chargé	Encloses German note, June 11, protesting against the sale by the United States of property of the German steamship lines.	307
	Sept. 10	To the Alien Property Custodian	Treaties with the enemy regarding property rights in the United States not operative.	309
IX Prinz F	Sept. 10 [Rec'd Sept. 11]	From the Swiss Chargé	Encloses German note, July 14, denying liquidation of U.S. property.	310
1277	Aug. 11 [Rec'd Sept. 10]	From the Ambassador in Spain	Encloses German note, July 18, regarding treatment of U.S. private property in Germany.	311
	Sept. 19 [Rec'd Sept. 20]	From the Alien Property Custodian	Refutation of German claim that German decrees on U.S. private property were reprisal measures.	313
279	Sept. 26	To the Swiss Chargé	Equipment of North German Lloyd Dock Co. and Hamburg-American Line Terminal and Navigation Co. taken over by the United States.	314

III. ENEMY PROPERTY—Continued

No.	Date	From and to whom	Subject	Page
	Sept. 30	To the Swiss Chargé	Regulations relative to forwarding of personal belongings to alien enemies after internment.	314
	Oct. 3	To the Swiss Chargé	Liquidation of German private property, particularly commercial enterprises, is being effected.	315
	Oct. 9	To the Swiss Chargé	Exemption of \$500 granted to internees can not be increased except by act of Congress.	316
	Oct. 12	To the Swiss Chargé	Alien Property Custodian has ordered the sale of the property of 21 enemy-owned companies.	316
XXV-9	Nov. 27 [Rec'd Nov. 29]	From the Swiss Minister	Encloses German note, Sept. 30, protesting against U.S. liquidation of German private property in the Philippines.	317
	Jan. 2, 1919 [Rec'd Jan. 4]	From the Alien Property Custodian	Treatment accorded property of German subjects in the Philippines.	318

ENEMY INTEREST IN PATENTS, COPYRIGHTS, AND TRADE-MARKS

2193	Apr. 21, 1917	To the Ambassador in France (tel.); <i>mutatis mutandis</i> , to the Ambassador in Great Britain	Possible arrangement with Germany respecting patents, copyrights, and trade-marks. Inquiry as to French arrangements.	319
2081	May 8, 1917	From the Ambassador in France (tel.)	French have no agreement with the enemy concerning patents and trade-marks. Domestic laws prescribe regulations.	319
	May 18, 1917	To the Swiss Legation	Papers relating to patent applications of German subjects are returned because of existence of war.	320
1372	May 24, 1917	Proclamation	Authorizing owners of letters patent granted by Germany to make payments required for preservation of their rights.	320
5009	June 16, 1917	To the Ambassador in Great Britain (tel.); <i>mutatis mutandis</i> , to the Ambassador in France	Request that patent remittances sent to Germany will not be detained <i>en route</i> by Great Britain.	321
9-17-7-1	July 2, 1917 [Rec'd July 5]	From the Attorney General	Arrangement necessary for transmission of patent remittances to Germany.	321
6705	July 11, 1917	From the Ambassador in Great Britain (tel.)	Patent remittances sent to enemy countries allowed to go forward.	322
2326	July 25, 1917 [Rec'd July 27]	From the Ambassador in France (tel.)	Patent remittances permitted to pass without detention.	322

III. ENEMY PROPERTY—Continued

No.	Date	From and to whom	Subject	Page
	Sept. 21, 1917	To Messrs. Dowell & Dowell	No arrangement yet devised for transmission to Germany of patent remittances.	323
	Oct. 22, 1917	To the Federal Trade Commission	Department activities in assisting U.S. citizens in protection of patent rights in enemy countries.	323
7128	Sept. 21, 1917 [Rec'd Oct. 23]	From the Ambassador in Great Britain	Encloses British note, Sept. 17, reporting no arrangements with the enemy regarding patents and describing domestic regulations.	324
737	Nov. 1, 1917	To the Chargé in Spain (tel.)	Quotes section of Enemy Trading Act regarding enemy patent privileges in United States. Inquires whether Germany extends similar privileges.	326
799	Dec. 22, 1917	To the Ambassador in Spain (tel.)	Renewed inquiry as to extent of patent privileges accorded to U.S. citizens by Germany.	326
6330	Jan. 23, 1918	To the Ambassador in Great Britain (tel.); <i>mutatis mutandis</i> , to the Ambassador in France	Will patent documents and remittances passed by U.S. censors proceed through Great Britain <i>en route</i> to Central Powers without further requirement?	327
129	Feb. 13	To the Swiss Minister	Encloses statement by Chairman of Federal Trade Com., Nov. 2, 1917, relative to use by U.S. citizens of enemy-owned patents and copyrights.	327
3217	Feb. 19	From the Ambassador in France (tel.)	Patent documents and remittances for enemy countries permitted by France to proceed, with certain restrictions.	329
8730	Feb. 19	From the Ambassador in Great Britain (tel.)	Patent documents and remittances for enemy countries permitted by Great Britain to proceed, with certain restrictions.	329
2837	Apr. 11	Executive order	Revoking authority of designated officers regarding patents, etc., under Trading with Enemy Act.	330
1159	Apr. 18 [Rec'd May 18]	From the Ambassador in Spain	Encloses German note, Feb. 25, on patent privileges extended to U.S. citizens.	331
837	July 22	To the Ambassador in Spain	Legalization by Spanish representatives of documents regarding German patent applications in the United States not sufficient.	332

PROPERTY OF ENEMY AND "ALLY-OF-ENEMY" GOVERNMENTS AND OFFICIALS

	Dec. 24 1917	To the Alien Property Custodian	Unwise to take over property belonging to former official representatives of enemy or ally-of-enemy countries.	334
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No.	Date	From and to whom	Subject	Page
	Jan. 19, 1918	To the Alien Property Custodian	Recommendation that immunity be accorded property of persons whose names appeared in <i>Diplomatic List</i> at time of severance of relations with the enemy.	334
	Mar. 26	To the Alien Property Custodian	Recommendation that bank account held by the Department of Austro-Hungarian Interests, Swedish Legation, be not disturbed.	335
2207	Mar. 26	From the Minister in the Netherlands (tel.)	Proposed seizure by German authorities of certain personal property of former Ambassador Gerard.	336
1074	Apr. 1	To the Minister in the Netherlands (tel.)	Instructions to request Spanish Embassy, Berlin, to protest against seizure of Gerard's property, calling attention to U.S. treatment of property of German officials.	336
	Apr. 3	To the Alien Property Custodian	No objection to seizure, as property of German Government, of funds owed to former German commercial attaché.	337
2239	Apr. 18 [Rec'd Apr. 19]	From the Minister in the Netherlands (tel.)	Germany disposed to respect property of U.S. officials on basis of reciprocity.	337
	May 28 [Rec'd June 1]	From the Alien Property Custodian	Request for opinion regarding seizure of property in Washington owned by the German Government, but distinct from the German Embassy.	337
	June 24 [Rec'd June 28]	From the Alien Property Custodian	Proposed demand upon Swedish and Swiss consuls for money held as trust funds for Austrians and Germans.	338
	July 8	To the Alien Property Custodian	Unwise to seize property in Washington owned by German Government, but distinct from German Embassy.	338
	July 27	To the Alien Property Custodian	No objection to seizure of trust funds held by Swedish and Swiss consuls for Austrians and Germans.	339
	Oct. 16	To the Alien Property Custodian	Advises immunity for residences, and furnishings, of former consuls and their families, but not for other real estate or securities.	339

ENEMY PROPERTY IN CERTAIN LATIN AMERICAN COUNTRIES: RECOMMENDATIONS OF THE UNITED STATES

BRAZIL: GERMAN BANKS

	July 21, 1917 [Rec'd July 22]	From the Ambassador in Brazil (tel.)	Classification of Brazilian business houses having German connections. Inadvisability of establishing statutory list.	340
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	Nov. 1, 1917	To the Ambassador in Brazil (tel.)	Instructions to make repre- sentations regarding the re- ported movement of German funds from South America to Spain.	341
	Nov. 12, 1917	To the Ambassador in Brazil (tel.)	Summary of portion of Trading with Enemy Act pertaining to enemy property, banks, etc.	342
503	Nov. 14, 1917 [Rec'd Nov. 15]	From the British Ambassador	Encloses summary of British instructions to Minister, Rio de Janeiro, to recommend to Brazil certain methods for financial blockade of the enemy.	343
	Nov. 18, 1917	From the Ambassa- dor in Brazil (tel.)	Recommendations that Brazil be requested to enforce strict- ly the financial blockade of the enemy.	345
	Feb. 1, 1918 [Rec'd Feb. 4]	From the Secretary of the Treasury	Suggested U.S. representations to Brazil regarding its control of credit operations to prevent benefit to the enemy.	345
	Aug. 2 [Rec'd Aug. 3]	From the Ambassa- dor in Brazil (tel.)	German banks and business houses taken over by Brazil. Inquiry as to U.S. methods of procedure.	346
	Aug. 10	To the Ambassador in Brazil (tel.)	U.S. assurance of withdrawal of statutory list upon elimina- tion of German interests in Brazil. British attitude.	346
	Aug. 20 [Rec'd Aug. 21]	From the Ambassa- dor in Brazil (tel.)	Proposed joint note to Brazil: withdrawal of black lists con- ditional upon making effec- tive certain measures against German concerns and banks.	347
	Sept. 4	To the Ambassador in Brazil (tel.)	Method of procedure in taking over enemy business houses in the United States.	348
	Sept. 12 [Rec'd Sept. 13]	From the Ambassa- dor in Brazil (tel.)	Suggested change in proposed joint note to Brazil. Recom- mendations.	349
	Sept. 17	From the Ambassa- dor in Brazil (tel.)	Quotation from draft of joint note to Brazil. Recommen- dations.	349
	Sept. 27	To the Ambassador in Brazil (tel.)	Instructions to take no action regarding joint note to Brazil, pending conference with Bra- zilian Ambassador at Wash- ington.	350
	Oct. 9	From the Secretary of the Treasury	Disapproval of British plan for taking over German banks in Brazil. Suggestions.	351
	Oct. 11	To the Secretary of the Treasury	British Embassy informed of U.S. disapproval of British proposed action regarding liq- uidation of German banks in Brazil.	352

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	Oct. 17 [Rec'd Oct. 18] Oct. 23	From the Ambassa- dor in Brazil (tel.)	Brazilian decree canceling right of German banks to operate in Brazil.	352
	Oct. 23	The Allied and U.S. representatives to the Brazilian Chargé	Recommendations of the Washington conference re- garding Brazil's liquidation of enemy interests.	353
	Oct. 31	From the Brazilian Chargé	Brazil's attitude toward the recommendations of the Washington conference.	354
	Nov. 2	The Allied and U.S. representatives to the Brazilian Chargé	Explanation of the recommen- dations of the Washington conference.	355
	Nov. 9	From the Brazilian Chargé	Statement of economic meas- ures taken for reprisal and defense; representations against black list.	356

CUBA

	Dec. 28, 1917	To the Minister in Cuba (tel.)	War legislation recommended for Cuba similar to that enacted in the United States.	357
	July 13, 1918	From the Minister in Cuba (tel.)	Bill similar to Enemy Trading Act passed by Cuban legis- lature.	358
	July 23	To the Minister in Cuba (tel.)	Two legislative provisions rec- ommended <i>re</i> transfer and disposal of assets from Ger- man properties in Cuba.	358
735	Aug. 6 [Rec'd Aug. 13]	From the Minister in Cuba	Cuban President empowered to issue adequate regulations to include transfer and dis- posal of German properties.	358
	Sept. 20	From the Minister in Cuba (tel.)	Dr. Bustamante has assumed office as custodian of enemy property in Cuba.	359

DOMINICAN REPUBLIC AND HAITI

	Apr. 5, 1918	To the Secretary of the Navy	Opinion on application of Enemy Trading Act to Do- minican Republic and to transactions of U.S. citizens in the Republic.	359
	Aug. 3	To the Secretary of the Navy	Status of Haiti and Dominican Republic in regard to imports and exports.	361
	Aug. 3	To the Minister in Haiti (tel.)	German firms reported buying and storing commodities in Haiti. Instructions to confer with authorities on preventive measures.	362
	Aug. 7 [Rec'd Aug. 11]	From the Minister in Haiti (tel.)	German firms in Haiti are be- ing sequestrated.	362

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ECUADOR: GERMAN CACAO PLANTATIONS

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40	Nov. 12	To the Ecuadorian Minister	Suggested elimination of German interests in cacao plantations. Assurance of U.S. financial and commercial assistance.	364

GUATEMALA AND NICARAGUA

	June 24, 1918 [Rec'd June 25]	From the Minister in Guatemala (tel.)	Custodianship of alien properties offered to U.S. citizen, D. B. Hodgson. Advice as to acceptance requested.	365
	June 26	To the Minister in Guatemala (tel.)	No objection to Hodgson's appointment as custodian.	365
	July 4 [Rec'd July 5]	From the Minister in Guatemala (tel.)	Hodgson accepts appointment; certain railway and power companies are placed in his custody.	365
	July 12	To the Minister in Guatemala (tel.)	Importance of Guatemala's enacting measures similar to Enemy Trading Act. Services of W.T.B. adviser offered.	366
	July 15 [Rec'd July 16]	From the Minister in Guatemala (tel.)	Measures taken under Presidential decree for sequestration of four German properties.	366
	July 23	To the Minister in Guatemala (tel.)	Instructions to convey to Guatemala U.S. attitude regarding transfer of German properties and disposition of proceeds.	366
250	July 30	To the Minister in Guatemala; <i>mutatis mutandis</i> , to the representatives in Honduras and Nicaragua	Instructions to seek interview with President on disposition of German-owned property and to offer services of U.S. agent.	367
	Aug. 16	To the Minister in Guatemala (tel.)	Instructions to seek of President date when Guatemala will begin liquidation of enemy property and to urge acceptance of aid of U.S. agent.	368
	Aug. 20 [Rec'd Aug. 22]	From the Minister in Guatemala (tel.)	President's attitude toward liquidation of German property; acceptance of services of U.S. agent.	369
	Sept. 12 [Rec'd Sept. 13]	From the Minister in Guatemala (tel.)	W.T.B. urged to grant license for much-needed supplies for Empresa Electrica de Guatemala.	370
	Sept. 18	To the Minister in Guatemala (tel.)	When authority is given to sell German property, W.T.B. will license supplies for Empresa Electrica de Guatemala.	370
	Sept. 20 [Rec'd Sept. 22]	From the Minister in Guatemala (tel.)	Authority to sell German property in Guatemala will be given in a few days.	370

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No.	Date	From and to whom	Subject	Page
	Sept. 27	To the Minister in Guatemala (tel.)	Notice of sale of German properties requested in order that U.S. interests may have opportunity to bid.	371
	Sept. 27 [Rec'd Sept. 28]	From the Minister in Nicaragua (tel.)	Nicaragua will accept offer of loan of special agent from the United States.	371
	Oct. 16 [Rec'd Oct. 17]	From the Minister in Guatemala (tel.)	Decree issued for sale of German-owned Empresa Electrica de Guatemala. [Footnote states U.S. release of supplies ordered.]	372
	Oct. 22	To the Minister in Guatemala (tel.); <i>mutatis mutandis</i> , to the representatives in Honduras and Nicaragua	Special agent designated to advise Guatemala in alien property administration.	372

HONDURAS: GERMAN ENTERPRISES AT AMAPALA

	Sept. 29, 1917	To the Minister in Honduras (tel.)	Inquiries authorized by Pacific Mail with view to port developments in Honduras. Instructions.	372
	Oct. 15, 1917	From the Minister in Salvador (tel.)	Honduras will permit U.S. firm to build port at Sacate Grande.	373
	Dec. 18, 1917	To the Minister in Honduras (tel.)	Representations to Honduras against German secret contract for commercial activities at Amapala.	373
	Dec. 21, 1917 [Rec'd Dec. 22]	From the Minister in Honduras (tel.)	Attitude of Honduran President toward German secret contract, interment, and discontinuance of steamship service.	374
	Dec. 20, 1917 [Rec'd Dec. 24]	From W. R. Grace & Co.	Proposed steamship terminal at Sacate Grande impracticable; efforts to get facilities at Amapala free from German control.	374
	Dec. 29, 1917	To the Minister in Honduras (tel.)	Instructions to report regarding rumored closing of port of Amapala and canceling of Kohneke agency by Pacific Mail.	375
	Dec. 31, 1917 [Rec'd Jan. 1, 1918]	From the Minister in Honduras (tel.)	Port Amapala not closed. Service to Amapala suspended by Pacific Mail until establishment of new agency which is not blacklisted.	375
	Jan. 5, 1918	To the Minister in Honduras (tel.)	Note to Honduras regarding cessation of ships' calls at Amapala; suggestion of temporary arrangement and new Pacific port.	376
	Jan. 16 [Rec'd Jan. 17]	From the Minister in Honduras (tel.)	Quotes Honduran note regarding new port and temporary facilities. Note deemed unsatisfactory; the <i>Peru</i> instructed not to call at Amapala.	377

III. ENEMY PROPERTY—Continued

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	Jan. 18 [Rec'd Jan. 20]	From the Chargé in Honduras (tel.)	Quotes Honduran note proposing Government seizure and operation of German lighters in port of Amapala. Comments.	378
	Jan. 21	To the Chargé in Honduras (tel.)	Instructions to present to President U.S. plans for Pacific port; Pacific Mail's plan to send lighters to Amapala; U.S. regret for hardships imposed by enforcement of Trading with Enemy Act; and Government seizure and operation of enemy-owned lighters meet U.S. requirements.	380
	Jan. 25	To the Chargé in Honduras (tel.)	Quotes Pacific Mail telegram on plan to furnish lighters for steamer service and to survey new port. Instructions.	381
	Jan. 27 [Rec'd Jan. 29]	From the Chargé in Honduras (tel.)	Quotes Honduran note, Jan. 27, guaranteeing satisfactory settlement of Amapala situation. Resumption of steamer service recommended.	382
	Feb. 6	To the Chargé in Honduras (tel.)	Honduran guaranties satisfactory; resumption of traffic to Amapala through agent of Pacific Mail is approved.	384
	Feb. 8	From the Chargé in Honduras (tel.)	Situation at Amapala appears satisfactory. Lighter service to be handled later by Commercial Export Co.	384
	Feb. 15 [Rec'd Feb. 16]	From the Chargé in Honduras (tel.)	Representations made to President, who has forbidden transportation of freight between Amapala and San Lorenzo except by National Agency.	385
	Feb. 16	To the Chargé in Honduras (tel.)	Necessity no longer exists for utilizing German-owned lighters. Question of German taint now before W.T.B.	386
	Feb. 17 [Rec'd Feb. 18]	From the Chargé in Honduras (tel.)	The President states traffic between Amapala and San Lorenzo will be thrown open to all if W.T.B. decision is favorable.	386
	Feb. 23	To the Chargé in Honduras (tel.)	Instructions to make representations to President regarding operation of lighter service by National Agency.	387
	Feb. 26 [Rec'd Feb. 27]	From the Chargé in Honduras (tel.)	President denies German interest in National Agency, intimating change of manager if necessary.	388
	Mar. 1	To the Chargé in Honduras (tel.)	U.S. survey around Sacate Grande contemplated. Honduran permit requested for survey and storage facilities for gasoline.	389

III. ENEMY PROPERTY—Continued

No.	Date	From and to whom	Subject	Page
	Mar. 1 [Rec'd Mar. 2]	From the Chargé in Honduras (tel.)	President agrees to temporary arrangement proposed for movement of cargo and requests general license. Recommendations.	389
	Mar. 8 [Rec'd Mar. 9]	From the Chargé in Honduras (tel.)	Foreign Minister's views as to permit for U.S. surveys and facilities for storage of gasoline.	390
	Mar. 12	To the Chargé in Honduras (tel.)	Explanation of survey for new port and storage of gasoline.	390
	Mar. 18	To the Chargé in Honduras (tel.)	Honduran assurances regarding National Agency are satisfactory; no licenses necessary. Open competition in port desired.	391
	Mar. 21 [Rec'd Mar. 22]	From the Chargé in Honduras (tel.)	Formal assurances as to elimination of German interests in National Agency not yet given. Free competition would probably prevent U.S. control.	392
	Mar. 27	To the Chargé in Honduras (tel.)	Request for formal assurance from Honduras regarding elimination of German interests in National Agency.	392
	Apr. 29	To the Chargé in Honduras (tel.)	Pacific Mail Agency prepared to operate lighterage enterprise. Suggestion that National Agency be discontinued.	393
	Apr. 30 [Rec'd May 2]	From the Chargé in Honduras (tel.)	Impasse reached in negotiations with Honduras regarding operation of lighters at Amapala.	393
	May 2 [Rec'd May 3]	From the Chargé in Honduras (tel.)	Mismanagement and loss of business by National Agency; better opportunities for Pacific Mail. Recommendations.	394
	July 11 [Rec'd July 12]	From the Chargé in Honduras (tel.)	Honduran assurances of fair treatment for Pacific Mail, restriction of National Agency, etc. Recommendations.	395
	Sept. 16 [Rec'd Sept. 17]	From the Chargé in Honduras (tel.)	Honduras desires expert from W.T.B. and Alien Property Custodian as adviser on measures to be taken against Germany.	396

PANAMA

2066	Aug. 26, 1918 [Rec'd Sept. 10]	From the Chargé in Panama	Panaman legislation on espionage and trading with the enemy is now probable.	396
	Sept. 18	From the Minister in Panama (tel.)	Proposed additional legislation in Panama on land holdings of alien enemies. Case of German syndicate on Puerto Piñas Bay.	397

III. ENEMY PROPERTY—Continued

No.	Date	From and to whom	Subject	Page
	Oct. 18	To the Minister in Panama (tel.)	Favorable to Panaman legislation authorizing sale of land held by alien enemies.	397
2158	Nov. 5 [Rec'd Nov. 20]	From the Minister in Panama	Draft bill including article authorizing sale of enemy land holdings in Panama. Case of German syndicate on Puerto Piñas Bay.	398
2179	Nov. 20 [Rec'd Dec. 5]	From the Minister in Panama	Encloses Panaman note, Nov. 20, suggesting that termination of war makes enemy-trade legislation unnecessary.	399

PERU: THE CASA GRANDE SUGAR PLANT

	Jan. 25, 1918	From the Peruvian Legation	Effect in Peru of placing Casa Grande sugar plant on black list. Agreement sought for continuing its operation.	400
	Feb. 27 [Rec'd Feb. 28]	From the Peruvian Minister	Proposed measures whereby Casa Grande sugar plant may operate without benefit to the enemy.	401
	Mar. 19	Department memorandum	Question of W.T.B. licensing banks to trade with Casa Grande plant, and of turning over to the United States of ex-German ships in Peruvian waters.	401
	Apr. 27 [Rec'd Apr. 29]	From the Peruvian Legation	Reasons why long-deferred settlement of Casa Grande difficulties should be expedited.	402
158	May 6	To the Peruvian Minister	Conditions under which temporary enemy trade license will be granted to finance marketing of Casa Grande sugar in Chile.	403
	May 14 [Rec'd May 16]	From the Peruvian Minister	Peruvian Executive order will be issued establishing Government control over Casa Grande sugar plant.	405
	May 20	From the Peruvian Minister	Appointment of general administrator over Casa Grande plant; request for removal of restrictions.	405
166	June 3	To the Peruvian Minister	Temporary license to be granted American banks in Peru to facilitate marketing of Casa Grande sugar in Chile, pending authorization for sale of plant.	406
	June 5 [Rec'd June 6]	From the Peruvian Minister	Request that U.S. officials be notified that no restrictions exist against trading with Casa Grande plant.	407
172	June 18	To the Peruvian Minister	Facilities for operation of Casa Grande plant will be revoked unless power of sale is conferred within 15 days.	408

III. ENEMY PROPERTY—Continued

No.	Date	From and to whom	Subject	Page
	July 10 [Rec'd July 11]	From the Peruvian Minister	Request has been made to Bremen directory of Casa Grande firm for full power to sell estate. Extension of license to operate is desired.	410
	July 27 [Rec'd July 29]	From the Peruvian Minister	Peru resolves to terminate its administration over Casa Grande plant, as owners refuse full power to sell.	411
195	Aug. 8	To the Peruvian Minister	Acknowledgment of notes of July 10 and 27.	411

IV. TRADING WITH THE ENEMY

TRADING WITH THE ENEMY AND WITH ALLIES OF THE ENEMY

212	Apr. 6, 1917	Order of the Post- master General	Suspension of exchange of postal money orders between the United States and the German Empire.	412
211	Apr. 7, 1917	Order of the Post- master General	Sending or forwarding of mail matter to Germany or its allies prohibited.	412
	Apr. 10, 1917	From the Consul General at Rio de Janeiro (tel.)	Inquiry regarding delivery of north-bound cargo from German shippers in Brazil or to German consignees in the United States.	413
	Apr. 12, 1917	To the Consul Gen- eral at Rio de Ja- neiro (tel.)	No legal obstacle to delivery of cargo from German shippers in Brazil or to German consignees in the United States.	413
	Apr. 13, 1917	To Messrs. Berliner, Strauss & Meyer	Information regarding trade with persons of German origin in Mexico and Central and South America.	414
	Apr. 17, 1917	To the Cummer Lumber Co.	Delivery during the war of phosphate rock to Germany on contracts made prior to the war is not possible.	414
	Apr. 19, 1917	To Mr. Emil Schwarz of Messrs. Benj. Schwarz & Sons	Advice regarding copartner- ship with nonresident Aus- tro-Hungarians in business conducted in the United States.	415
	Apr. 21, 1917 [Rec'd Apr. 22]	From the Consul at Guadalajara (tel.)	German dealers at Guadala- jara uncertain regarding their ability to place orders in the United States.	416
	Apr. 25, 1917	To Mr. Jay Zeamer	Disabilities of persons in the United States with regard to commercial intercourse with enemy nationals.	416
	Apr. 28, 1917	To the Consul at Guadalajara (tel.)	Question of Germans in Mex- ico trading in the United States.	417
	May 15, 1917	To Representative Geo. Huddleston	No legal obstacle to transac- tions between U.S. citizens involving German or Austro- Hungarian Government se- curities.	417

IV. TRADING WITH THE ENEMY—Continued

No.	Date	From and to whom	Subject	Page
	May 23, 1917	To the Hercules Powder Co.	<i>Re</i> making further payments to certain Berlin company, as stockholder: all intercourse between U.S. and German residents illegal.	418
	June 1, 1917	To the Minister in Panama (tel.)	All trading with or for benefit of Germany should be prevented, and ships so engaged should be penalized.	418
	June 2, 1917	To the Fidelity and Casualty Co. of N.Y.	Payment of funds to German beneficiaries in Germany is illegal.	419
	June 9, 1917	To the Edgar Improvement Co.	No objection to remittances to Philip Mansch in Austria.	419
	July 2, 1917	To the Attorney General	No legal obstacle to payment by Nat'l City Bank of N.Y. to Hallgarten & Co. for account of certain Austrian company.	420
	July 13, 1917	To Mr. Jules Char-matz	Transmission of funds from residents of United States to residents of enemy-occupied territory is illegal.	421
	July 26, 1917	To the Safe Deposit & Trust Co. of Baltimore	Question of payment of income to wife of Austro-Hungarian diplomat.	421
	Sept. 22, 1917 [Rec'd Sept. 25]	From the Chairman of the Shipping Board	Purchase by U.S. citizen of the <i>Albingia</i> and <i>Virginia</i> , at Cartagena, Colombia, from the Hamburg-American Line.	422
	Sept. 28, 1917	To the Chargé in Colombia (tel.)	Instructions regarding transfer of the <i>Albingia</i> and <i>Virginia</i> from Hamburg-American Line.	423
344	Oct. 1, 1917 [Rec'd Oct. 3]	From the British Ambassador	Attention called to remittances being sent to Austria-Hungary and to enemy-occupied Russian territory through Spanish Embassy at Washington.	423
	Oct. 17, 1917	To the British Ambassador	Remittances to the enemy, formerly permitted provisionally, now nullified by Enemy Trading Act; special licenses permitted.	424
1989/14	Nov. 5, 1917 [Rec'd Nov. 6]	From the Swedish Minister	Permission requested to continue transfer of credits to Austria-Hungary for needy relatives of persons in the United States.	425
554	Nov. 6, 1917	To the diplomatic and consular officers	Instructions to refer to the Department all questions of interpretation of the Trading with the Enemy Act.	426
	Nov. 22, 1917 [Rec'd Nov. 23]	From the Consul General at Saloniki (tel.)	Inquiry regarding U.S. firms doing business with local firms having Austrian, Bulgarian, or Turkish connections.	426

IV. TRADING WITH THE ENEMY—Continued

No.	Date	From and to whom	Subject	Page
	Dec. 6, 1917	To the Consul General at Saloniki (tel.)	Enemy Trading Act applies to allies of enemy; liability regarding existing contracts would be determined by Greek laws.	427
	Dec. 11, 1917	From the Minister in Cuba (tel.)	Early elucidation requested on questions bearing on Enemy Trading Act.	427
	Dec. 12, 1917	To the Consul General at Saloniki (tel.)	Interpretation of Enemy Trading Act.	427
311	Dec. 29, 1917	To the Swedish Minister	Transfer of credits from persons in the United States to Austria-Hungary for needy relatives is prohibited.	428
	Dec. 31, 1917	To the Chargé in Costa Rica (tel.)	Conditions under which German subjects in neutral countries are considered enemies.	428
	Jan. 3, 1918	To the Minister in Cuba (tel.)	Enemy Trading Act applies to U.S. corporations with agencies in Cuba, but not to U.S. citizens resident in Cuba.	429
194	Jan. 24	To the Consula General at Guayaquil	U.S. citizens residing outside the United States not subject to penalties of Enemy Trading Act, but duty bound by its policies.	429
	Mar. 7	To the diplomatic representatives in Latin American countries (tel.)	Action to be taken regarding local U.S. firms or branches which are employing enemy subjects.	430
	Apr. 17	To the diplomatic representatives in Latin American countries (tel.)	W.T.B. regulations regarding enemy trade licenses for branch houses of U.S. firms in neutral or Allied countries.	430
	July 10	To Messrs. Kenefick, Cooke, Mitchell & Bass	Advice in regard to securing funds held in Germany to credit of persons in the United States.	431
2202	Sept. 12	To the Minister in Switzerland	Advice to U.S. citizens abroad relative to prohibitions under Enemy Trading Act.	432

TRADING WITH THE ENEMY IN CHINA

	Apr. 14, 1917	From the Minister in China (tel.)	Inquiry as to permissibility of commercial relations between Americans and Germans in China.	433
	Apr. 23, 1917	To the Minister in China (tel.)	No obstacle in law to commercial relations between Americans and Germans in China; policy to be discouraged, however.	434
1454	Apr. 14, 1917 [Rec'd May 12]	From the Minister in China	Encloses his instructions to Consul, Changsha, Apr. 13, on intercourse with enemy nationals in China as affected by U.S. cooperation with Allies. Requests views.	434

IV. TRADING WITH THE ENEMY—Continued

No.	Date	From and to whom	Subject	Page
636	June 27, 1917	To the Minister in China	Measures pending before Congress on prevention of trade, directly or indirectly, with the enemy.	435
1565	July 13, 1917 [Rec'd Aug. 14]	From the Minister in China	Proposed compliance with British enemy trading regulations pending U.S. legislation on subject; his instructions to Consul General at Shanghai enclosed.	436
676	Aug. 31, 1917	To the Minister in China	British theory of blacklisting not supported. Bill before Congress on enemy trade based on principle of domicile, not nationality.	437
	Oct. 24, 1917	From the Minister in China (tel.)	Does U.S. enemy-trading legislation apply to transactions with Germans and Austrians resident in China?	438
	Nov. 10, 1917	From the Minister in China (tel.)	Is it advisable for U.S. citizens to pay or receive rents upon existing leases with Germans resident in China?	439
	Nov. 30, 1917	To the Minister in China (tel.)	Classes with which Americans are prohibited to trade, except with licenses.	439
	Dec. 11, 1917	To the Minister in China (tel.)	U.S. citizens may pay rent to and receive rent from Germans resident in China on assumption that they are not doing business with enemy.	440
	June 14, 1918	From the Minister in China (tel.)	Inquiry whether objectionable for Americans to acquire German property in China.	440
	June 27	To the Minister in China (tel.)	Purchase by U.S. firms in China of property of German subjects not prohibited if within terms of Enemy Trading Act.	440
11	May 24 [Rec'd June 27]	From the Special Assistant of the Department of State	China cooperates in U.S. and British policy, issuing regulations governing punishments for trading with the enemy.	441
	July 8 [Rec'd July 9]	From the Chargé in China (tel.): Denby to W.T.B.	Suggestion of U.S. machinery to enforce Enemy Trading Act in China.	441
	July 17	From the Chargé in China (tel.): Denby to W.T.B.	Recommendation that naval attaché be empowered to exercise functions of custodian of enemy property in China.	442
	Aug. 3	To the Chargé in China (tel.): W.T.B. to Denby	Doubtful whether Enemy Trading Act is enforceable in China. Certain arrangements proposed.	442
	Aug. 9 [Rec'd Aug. 12]	From the Chargé in China (tel.): Denby to W.T.B.	Amendment of Enemy Trading Act to include extraterritorial jurisdiction urged.	443
	Sept. 7	To the Chargé in China (tel.): W.T.B. to Denby	Instructions regarding U.S. commercial dealings with the enemy in China, pending legislative measures.	444

IV. TRADING WITH THE ENEMY—Continued

No.	Date	From and to whom	Subject	Page
	Sept. 10	From the Consul at Shanghai (tel.): to W.T.B.	Inquiry regarding commercial operations of U.S. citizens with Germans in China.	444
	Sept. 21	To the Consul at Shanghai (tel.): from W.T.B.	Regulations for dealing with the enemy in China under Enemy Trading Act.	444

PURCHASE OF AUSTRIAN SHIPS: THE TAKING OVER OF THE "MARTHA WASHINGTON"

1773	Mar. 20, 1917 [Rec'd Mar. 22]	From the Ambassador in Austria-Hungary (tel.)	Telegram of Austro-Americana Steamship Co. to Phelps Bros., relative to sale of certain ships.	445
1617	Mar. 23, 1917	To the Ambassador in Austria-Hungary (tel.)	Instructions to inform steamship company its message will not be forwarded.	446
1644	Apr. 7, 1917	To the Chargé in Austria - Hungary (tel.)	Message for Austro-Americana from Phelps Bros., announcing sale of certain Austrian ships and prospective sale of others. Details.	446
515	Apr. 14, 1917	To the Minister in Switzerland (tel.)	Phelps Bros.' message to Ferruccio Schiavon, Lucerne, regarding sale of certain Austrian ships.	447
	Apr. 17, 1917	Department memorandum	Authorization for sale of Austrian ships without restrictions. Warning of possible U.S. requisition.	447
779	Apr. 17, 1917	From the Minister in Switzerland (tel.)	Austro-Americana's message to Phelps Bros., approving of sale of certain ships and authorizing sale of others.	448
865	May 4, 1917 [Rec'd May 5]	From the Minister in Switzerland (tel.)	Austro-Americana's request for good offices of Legation to ascertain whether sale of Austrian ships has been completed.	448
1004	June 5, 1917 [Rec'd June 7]	From the Minister in Switzerland (tel.)	Instructions for Phelps Bros. from Ferruccio Schiavon authorizing sale, under restrictions, of ships and property.	449
686	June 21, 1917	To the Minister in Switzerland (tel.)	Phelps Bros.' report to Ferruccio Schiavon, of tentative sale of certain ships, with request for instructions.	450
	July 3, 1917	From the Minister in Switzerland (tel.)	Message from Ferruccio Schiavon to Phelps Bros., approving of sale of ships.	450n
	Dec. 19, 1917	Department memorandum	Correspondence and comments relative to taking over by the United States of the Austrian steamship <i>Martha Washington</i> .	451
	Dec. 21, 1917 [Rec'd Dec. 22]	From Mr. Chas. S. Haight, of Haight, Sanford & Smith	U.S. seizure of the <i>Martha Washington</i> inexpedient. Reasons.	453

IV. TRADING WITH THE ENEMY—Continued

No.	Date	From and to whom	Subject	Page
1315	Jan. 9, 1918 [Rec'd Jan. 10]	From the Commissioner of the Shipping Board	Plan whereby the <i>Martha Washington</i> and Austrian ships in Spain may be secured by the United States.	454
	Jan. 9	To the Chargé in Switzerland (tel.)	Message from Phelps Bros. to Ferruccio Schiavon, on further negotiations for sale of the <i>Martha Washington</i> and Austrian ships in Spanish waters.	454
2859-A	May 11	Executive order	Authorization for taking over the <i>Martha Washington</i> by the United States.	455
	May 22 [Rec'd May 23]	From the Acting Director, Bureau of Enemy Trade, W.T.B.	Application of Phelps Bros. for license to transmit to Austria purchase price of ships.	456
	June 6	To the Acting Director, Bureau of Enemy Trade, W.T.B.	License permitted for transfer to Austria of purchase price of ships.	457
2042	June 6	To the Minister in Switzerland (tel.)	Message from Phelps Bros. to Ferruccio Schiavon, with information that the <i>Martha Washington</i> has been seized.	457
	Sept. 16 [Rec'd Sept. 25]	From the Director, Bureau of Sales, Alien Property Custodian	Question of disposition of fund in hands of Phelps Bros. as proceeds from sale of Austrian ships.	458

V. RELIEF OPERATIONS

BELGIAN RELIEF

6898	Aug. 6, 1917	From the Ambassador in Great Britain (tel.): C.R.B. to Hoover	Allies urged to supply additional tonnage at once.	459
	Aug. 14, 1917 [Rec'd Aug. 15]	From the Second Counselor of the British Embassy	Proposed examination of Belgian relief ships in U.S. harbors instead of at Halifax.	459
	Oct. 8, 1917	To the British Ambassador	Collector of Customs has been instructed to examine relief ships in U.S. ports, thus avoiding call at Halifax.	460
	Oct. 18, 1917	The King of the Belgians to President Wilson (tel.)	Appeal for additional aid for Belgium.	460
7493	Oct. 22, 1917	From the Ambassador in Great Britain (tel.)	Inquiry into source of future income for Belgian relief. Understanding in Europe that U.S. loan would be sufficient.	461
5669	Oct. 26, 1917	To the Ambassador in Great Britain (tel.)	Treasury Department explanations as to amount and terms of U.S. loan for Belgian relief.	462
286	Oct. 26, 1917	To the Minister in Belgium (tel.)	Quotes President Wilson's reply to the King of the Belgians on difficulties encountered by C.R.B. Instructions.	463

V. RELIEF OPERATIONS—Continued

No.	Date	From and to whom	Subject	Page
287	Oct. 26, 1917	To the Minister in Belgium (tel.)	Instructions to discuss informally with Foreign Minister proposition of bringing destitute Belgian children to the United States.	464
98	Nov. 1, 1917 [Rec'd Nov. 2]	From the Minister in Belgium (tel.)	Foreign Minister suggests that destitute Belgian children be cared for in Switzerland rather than in America.	465
99	Nov. 2, 1917	From the Minister in Belgium (tel.)	Interview with Foreign Minister: understanding reached regarding U.S. difficulties and sacrifices in bringing relief to Belgium.	465
5766	Nov. 9, 1917	To the Ambassador in Great Britain (tel.): Hoover to Poland	Increase in U.S. loan to Belgium contingent upon use of part of British and French loans for expenses in Europe.	466
5828	Nov. 16, 1917	To the Ambassador in Great Britain (tel.): Hoover to Poland	World shortage of food and shipping stressed. The United States unable to increase supplies for C.R.B.	466
	Nov. 23, 1917 [Rec'd Nov. 24]	From the Commercial Adviser of the British Embassy	C.R.B. shortage in tonnage; need for joint tonnage program by Inter-Allied Chartering Executive and U.S. Shipping Board.	467
2850	Undated [Rec'd Dec. 5, 1917]	From the Special Representative (tel.)	Resolutions of Inter-Allied Conference giving priority to supplies for Belgium and northern France, and guaranteeing tonnage.	468
8050	Dec. 22, 1917 [Rec'd Dec. 23]	From the Ambassador in Great Britain (tel.): Poland to Hoover	Quotes his letter to Clemenceau on British failure to participate in financing of European requirements for French and Belgian relief.	469
6187	Jan. 7, 1918	To the Ambassador in Great Britain (tel.): Leffingwell to Crosby	Inquiry into cause of British failure to participate in plan for Belgian relief ratified at Paris conference.	470
	Jan. 10 [Rec'd Jan. 11]	From the Delegate to the Inter-Allied Council (tel.): to McAdoo	Reasons for British delay in participating in Belgian relief as agreed upon at Paris. Recommendations.	471
	Feb. 13	From the Commercial Adviser of the British Embassy	Cooperation requested in proposed protest against German preferential distribution of foodstuffs to Belgians working in German interests.	472
	Feb. 19	To the Commercial Adviser of the British Embassy	Unfavorable toward prohibiting shipment of foodstuffs to Belgium because of German preferential distribution.	472
607	Mar. 6 [Rec'd Mar. 25]	From the Minister in Belgium	Report on conditions in Belgium; possible weakening of morale in face of hunger if C.R.B. work discontinued.	473
7226	Apr. 11	To the Ambassador in Great Britain (tel.); to repeat to Paris and Havre	Question whether 60,000 tons of available shipping should be allocated to C.R.B. or for military purposes.	475

V. RELIEF OPERATIONS—Continued

No.	Date	From and to whom	Subject	Page
9507	Apr. 13	From the Ambassador in Great Britain (tel.)	Quotes British note favoring use of 60,000 tons shipping for military purposes and securing Swedish tonnage for C.R.B.	476
3610	Apr. 13 [Rec'd Apr. 14]	From the Ambassador in France (tel.)	Subject of tonnage for military purposes and Belgian relief will be settled in conference at Paris.	477
115	Apr. 18 [Rec'd Apr. 19]	From the Minister in Belgium (tel.)	Belgium desires use of available 60,000 tons for food shipments rather than for military purposes.	477
9631	Apr. 21	From the Ambassador in Great Britain (tel.)	Quotes British note expressing hope that the United States will supply tonnage for troops and for Belgian relief also.	477
10005	May 12	From the Ambassador in Great Britain (tel.): Stevens to Hurley	Proposed arrangement for the United States and Great Britain to share burden of providing tonnage for C.R.B.	478
10024	May 13	From the Ambassador in Great Britain (tel.): C.R.B. to Hoover	Urgent that priority claim on tonnage be backed by heads of Governments; British proposal; tonnage requirements.	480
10025	May 13 [Rec'd May 14]	From the Ambassador in Great Britain (tel.): Poland to Hoover	Decision must be made between relief for Belgium or transport of munitions and men. U.S. concurrence in British proposal urged.	481
	Undated [Rec'd May 14]	From the Belgian Prime Minister (tel.)	U.S. and British sharing of tonnage responsibility urged to relieve May crisis.	482
	May 13 [Rec'd May 15]	From the French Ambassador	Encloses Clemenceau's telegram, May 13, to President Wilson quoting Belgian Prime Minister's appeal to France and Great Britain regarding food situation.	482
	May 21	To the Secretary of War	President Wilson considers relief to Belgium of prime importance. Immediate action urged.	484
	May 23	Public statement issued by the Food Administration	Solution of Belgian situation by combined efforts of U.S. and British Governments. U.S. measures.	485
2728	Oct. 11	From the Chargé in Great Britain (tel.): Davis to Rathbone	Proposed supply of immediate requirements of liberated Belgians from British Army stocks; C.R.B. to reimburse British Treasury.	486
2779	Oct. 14	From the Chargé in Great Britain (tel.): Poland to Hoover	Tentative arrangements for supply and distribution of food in released territories and for refugees arriving in the Netherlands.	487
2003	Oct. 16	To the Chargé in Great Britain (tel.): Rathbone to Crosby	Net amount of reimbursements allowed British Treasury for Army rations.	488

V. RELIEF OPERATIONS—Continued

No.	Date	From and to whom	Subject	Page
2869	Oct. 16 [Rec'd Oct. 17]	From the Chargé in Great Britain (tel.): Poland to Hoover	Arrangements for care of Belgian refugees in the Netherlands and feeding of the released population.	489
	Oct. 18	Department memorandum	Preparations for disbandment of C.R.B. Belgian Minister desires that its activities continue.	490
2302	Oct. 19	To the Chargé in Great Britain (tel.): Hoover to Poland	C.R.B. may continue its work through reconstruction period.	490
2358	Oct. 23	To the Chargé in Great Britain (tel.): Hoover to Poland	Instructions on measures to be taken to supply needs of released population, in case German safe-conducts not forthcoming.	491
3034	Oct. 23	From the Chargé in Great Britain (tel.): C.R.B. to Hoover	France, Great Britain, and Belgium prepared to care for immediate needs of released population.	491
3075	Oct. 24	From the Chargé in Great Britain (tel.): Poland to Hoover	Plans for supplying food to released population.	492
3127	Oct. 26	From the Chargé in Great Britain (tel.): C.R.B. to Hoover	Large numbers of <i>evacuées</i> in the Netherlands. Efforts to relieve suffering. C.R.B. requested to continue certain activities.	493
2484	Oct. 29	To the Chargé in Great Britain (tel.): Hoover to Poland	Instructions regarding handling of French relief.	494
	Oct. 29	From the Belgian Minister	Belgian plan of reconstruction with aid of Allies.	494
	Nov. 6 [Rec'd Nov. 8]	From President Wilson	Expansion of C.R.B. activities to cover all U.S. relationship, and possibly that of other governments, to Belgian reconstruction.	496
153	Nov. 9 [Rec'd Nov. 10]	From the Minister in Belgium (tel.)	Appeal of Belgium for priority in shipment of supplies for reconstruction.	497
323	Nov. 14	To the Minister in Belgium (tel.): Hoover to Whitlock	Assurances of U.S. assistance in reconstruction. Specific measures to be taken.	498

POLISH RELIEF

261	Feb. 16, 1917	To the Ambassador in Spain (tel.)	Instructions to ascertain if Spanish Ambassador in Berlin will receive funds for Jewish war sufferers in Poland.	498
379	Feb. 27, 1917	From the Ambassador in Spain (tel.)	Spanish Ambassador, Berlin, will receive funds from U.S. committee for Jewish sufferers in Poland. Suggestions.	499
	Apr. 21, 1917	To the Treasurer of the Joint Distribution Committee	Distribution of \$100,000 for relief of Jews in Poland. Plans for future distribution through a committee in neutral country.	499

V. RELIEF OPERATIONS—Continued

No.	Date	From and to whom	Subject	Page
	Apr. 27, 1917 [Rec'd Apr. 30]	From the British Ambassador	Great Britain discourages proposals to send relief to Russian Jews in Poland.	500
573	May 11, 1917	To the Minister in Switzerland (tel.)	Red Cross inquires whether General Polish Relief, Vevey, can distribute supplies to Poles outside enemy-occupied territory.	500
913	May 15, 1917	From the Minister in Switzerland (tel.)	Polish Relief Committee extends activities to sufferers in Poland and to Polish refugees in Russia.	500
516	May 16, 1917	To the Chargé in the Netherlands (tel.)	Request that Netherland Consul, Warsaw, supervise distribution of relief in occupied portion of Russian Poland.	501
610	May 26, 1917	To the Minister in Switzerland (tel.)	Instructions to obtain information regarding reliability of General Polish Relief Committee of Vevey.	501
956	May 31, 1917	From the Chargé in the Netherlands (tel.)	Netherland reply regarding relief in Russian Poland awaits settlement of certain problems.	501
1025	June 11, 1917 [Rec'd June 13]	From the Minister in Switzerland (tel.)	Polish Relief Committee of Vevey highly recommended.	502
	June 15, 1917	To the Chairman of the Executive Committee, Polish Victims' Relief Fund	Sending of Polish relief funds to Committee at Vevey is authorized.	502
5012	June 18, 1917	To the Ambassador in Great Britain (tel.)	Instructions to report British methods of controlling remittances to occupied territories for civil population.	503
6570	June 29, 1917	From the Ambassador in Great Britain (tel.)	British opposition to policy of transmitting large funds to occupied territories. Reasons.	503
1330	July 31, 1917 [Rec'd Aug. 2]	From the Minister in Switzerland (tel.)	Quotes telegram of Polish General Committee, Vevey: distressing situation in Poland; appeal for aid.	504
	Aug. 13, 1917	To the Treasurer of the Lithuanian National Relief Fund	Funds to Lithuania not authorized; relief approved for refugees in Russia through Central Lithuanian Relief Committee in Petrograd.	505
	Aug. 21, 1917	To the Polish Victims' Relief Fund	Organization authorized to transmit funds to Vevey Committee in Russian Poland and requested to act as clearing house for other Polish relief agencies.	506
	Aug. 23, 1917	To Rev. N. Pidhorecki, of the Ruthenian Greek Catholic Church of St. George	American Express Co. and C.B. Richard & Co. given conditional authorization to transmit funds to Ruthenians in occupied territory.	507

V. RELIEF OPERATIONS—Continued

No.	Date	From and to whom	Subject	Page
	Aug. 24, 1917	To C. B. Richard & Co.	Conditions and limitations under which relief funds may be sent to enemy-occupied Russian Poland.	507
	Sept. 5, 1917 [Rec'd Sept. 6]	From the Russian Embassy	Russian support given appeal of Polish General Committee in Switzerland.	508
5459	Sept. 21, 1917	To the Ambassador in Great Britain (tel.)	Inquiry regarding British method of sending remittances to Poland.	509
985	Oct. 2, 1917	To the Chargé in Switzerland (tel.)	Red Cross proposal to deliver in Berne, for distribution in Polish cities, milk for babies and young children.	509
	Oct. 3, 1917	To the British Ambassador	Red Cross favors shipment of milk for babies in Poland but no general relief. Certain remittances permitted.	510
1817	Oct. 8, 1917 [Rec'd Oct. 10]	From the Chargé in Switzerland (tel.): Whitehouse to Castle	Appeal of Polish Committee, Vevey, to relieve desperate situation in Poland. Cash remittances recommended.	512
1016	Oct. 11, 1917	To the Chargé in Switzerland (tel.); from Red Cross	Ready to send \$100,000 for purchases in Switzerland for relief of children in Poland.	513
721	Oct. 12, 1917	To the Minister in the Netherlands (tel.)	Germany disposed to facilitate distribution of relief to Jews in occupied territory through Netherland representatives.	513
1487	Oct. 15, 1917 [Rec'd Oct. 16]	From the Minister in the Netherlands (tel.)	Germany has no objection to \$40,000 being paid Mr. Nathanson through Dutch Consul at Warsaw.	514
	Oct. 16, 1917	To the Polish Victims' Relief Fund; <i>mutatis mutandis</i> , to Amer. Express Co. and Richard & Co.	Transmission of drafts, etc., prohibited by Enemy Trading Act, until licenses can be granted by W.T.B.	514
2716	Oct. 16, 1917	To the Ambassador in France (tel.): to Dresel	American Red Cross inquires British attitude toward proposed relief of Polish children.	515
729	Oct. 18, 1917	To the Minister in the Netherlands (tel.)	Inquiry whether Germany has agreed to let Dutch Consul distribute U.S. funds in general or only in case of \$40,000.	515
1529	Oct. 22, 1917	From the Minister in the Netherlands (tel.)	Sending of \$40,000 to Warsaw was test case; similar privilege now understood to cover all occupied territory.	515
1898	Oct. 20, 1917 [Rec'd Oct. 22]	From the Chargé in Switzerland (tel.): Dresel to Red Cross	Purchase in Switzerland of supplies for Poland impracticable. British favor transfer of funds for local purchases.	516
	Oct. 26, 1917	To the Polish Victims' Relief Fund; <i>mutatis mutandis</i> , to Amer. Express Co. and Richard & Co.	Licenses to send drafts, etc., abroad should now be obtained from W.T.B.	517

V. RELIEF OPERATIONS—Continued

No.	Date	From and to whom	Subject	Page
453	Nov. 2, 1917 [Rec'd Nov. 5]	From the British Ambassador	British disapproval of scheme to send milk to Poland. Reasons.	517
7600	Nov. 3, 1917 [Rec'd Nov. 5]	From the Ambassador in Great Britain (tel.)	British method of transmitting funds to British or Allied nationals in enemy-occupied districts of Russian Poland.	518
1091	Nov. 5, 1917	To the Chargé in Switzerland (tel.): Red Cross to Dessel	Donations of cash available for immediate relief in Poland conditional on proper guaranty from Germany.	519
	Nov. 6, 1917	To the American Red Cross	Inclination to agree with British in regard to sending milk to Poland. Relief for Poland from standpoint of expediency and policy.	520
5735	Nov. 6, 1917	To the Ambassador in Great Britain (tel.)	Request for report on conference, Nov. 6, at Foreign Office on relief for enemy and enemy-occupied territory.	521
7623	Nov. 7, 1917 [Rec'd Nov. 8]	From the Ambassador in Great Britain (tel.)	Report and tentative plans of conference of Nov. 6 regarding relief to enemy-occupied territory.	521
5808	Nov. 14, 1917	To the Ambassador in Great Britain (tel.)	U.S. decision to limit remittances and to control distribution in Poland.	522
773	Nov. 14, 1917	To the Minister in the Netherlands (tel.)	Authorization for use of certain funds for immediate relief in Poland through Netherland Consul, Warsaw.	523
2037	Nov. 13, 1917 [Rec'd Nov. 14]	From the Chargé in Switzerland (tel.): Whitehouse to Red Cross	German guaranty secured. Transmission of funds urged for relief of Polish children.	523
1136	Nov. 19, 1917	To the Chargé in Switzerland (tel.)	Instructions for putting relief work in Poland into effect.	524
7965	Dec. 14, 1917	From the Ambassador in Great Britain (tel.)	British inquiry as to U.S. position regarding remittances to enemy and enemy-occupied territory.	524
6066	Dec. 19, 1917	To the Ambassador in Great Britain (tel.)	U.S. policy as regards remittances to enemy and enemy-occupied territory.	525
5630	Jan. 5, 1918	To the Ambassador in Great Britain	Remittances to enemy or enemy-occupied territory must be authorized by W.T.B. and forwarded through diplomatic channels.	525
8672	Feb. 14	From the Ambassador in Great Britain (tel.)	British inquiry as to U.S. methods of forwarding remittances, for purpose of coordination.	526
	Mar. 15	To President Wilson	Encloses report on monetary relief sent certain territories occupied by the enemy. Limitation recommended and opinion requested.	526
	Mar. 16	From President Wilson	Amount of remittances to enemy-occupied territories should be limited, but not retroactively.	528

V. RELIEF OPERATIONS—Continued

No.	Date	From and to whom	Subject	Page
	Mar. 18	To J. B. Denvir, jr., of Bureau of Enemy Trade, W.T.B.	Amount of relief remittances authorized by the President for portions of Poland and Turkey not under British occupation.	529
1043	Mar. 21	To the Minister in the Netherlands (tel.); to be repeated to Berne, Copenhagen, and Stockholm	Relief remittances permitted to Poland, to be supplemented by clothing from neighboring neutral countries; German guaranties to be obtained.	529
121	May 13	To the Ambassador in Russia (tel.); the same to the representatives in Denmark and Sweden	Views requested regarding relief for Lithuania and other occupied portions of Russia from political standpoint.	530
2280	May 15	From the Chargé in Denmark (tel.)	Relief to portions of Russia under German occupation is contrary to Allied interests and beneficial to German control.	530
2092	May 15 [Rec'd May 16]	From the Minister in Sweden (tel.)	Relief sent to enemy-occupied Russia will not benefit Allies, but, withheld, will increase ill-feeling against Germany.	531
3392	May 16 [Rec'd May 17]	From the Minister in Switzerland (tel.); Hoover to Dresel	Recommendations for further relief in Poland.	531
	May 21	To the War Trade Board	No remittances to be sent to any part of Russia under enemy occupation except Poland. Geographic limitations of Poland.	532
547	May 21 [Rec'd May 23]	From the British Embassy	The United States is requested to join Allies in opening credit for relief of Polish refugees in Russia.	532
	June 3	To the Joint Distribution Committee	Clothing cannot be bought in neighboring neutral countries for shipment to Poland.	533
1393	June 5	To the Minister in the Netherlands (tel.)	All receipt forms for U.S. relief money must indicate that such money comes from the United States.	533
237	June 2 [Rec'd June 16]	From the Ambassador in Russia (tel.)	Further Lithuanian relief from America inadvisable. Reasons. Y.M.C.A. aiding in exchange of Russian prisoners.	534
2278	July 12	To the Minister in Switzerland (tel.); Hoover to Dresel	Large quantities condensed milk available for distribution to children in Poland.	53
1490	Aug. 30	From the Ambassador in Great Britain (tel.)	Polish National Committee has requested of Great Britain facilities for monthly shipments of milk to Poland; British inquire U.S. views.	534
2758	Sept. 20	To the Minister in Switzerland (tel.)	Milk for Poland conditional upon Swiss supervision, German guaranties, and destruction of containers.	535
5036	Oct. 4 [Rec'd Oct. 5]	From the Minister in Switzerland (tel.)	Swiss cooperation in delivering milk to Poland; difficulty of destroying tin containers.	536

V. RELIEF OPERATIONS—Continued

No.	Date	From and to whom	Subject	Page
	Oct. 10	To the British Embassy	Joint Allied assistance to Polish refugees in Russia advisable when conditions favor effective organization for distribution.	536
3181	Oct. 22	To the Minister in Switzerland (tel.)	Red Cross suggests milk could be shipped in powdered form in paper-lined wooden cases.	537
1207	Oct. 31 [Rec'd Nov. 1]	From the British Chargé	Great Britain regards with disfavor proposed Red Cross monthly shipments of milk to Poland. Reasons.	537
313	Nov. 14	To the British Chargé	In view of German capitulation, it is assumed that British objection to milk shipments to Poland is withdrawn.	537

RELIEF IN TURKISH TERRITORIES

2387	Jan. 8, 1917 [Rec'd Jan. 10]	From the Ambassador in Turkey (tel.)	Turkish request that three-fourths of the <i>Caesar's</i> supplies be landed at Beirut for Palestine poor; one-fourth at Jaffa.	538
3280	Jan. 18, 1917	To the Ambassador in Turkey (tel.)	All supplies to be landed and distributed at Beirut if possible.	538
3352	Feb. 15, 1917	To the Ambassador in Turkey (tel.)	The <i>Des Moines</i> and <i>Caesar</i> have been ordered to remain at Alexandria until further notice.	538
2480	Feb. 12, 1917 [Rec'd Feb. 17]	From the Ambassador in Turkey (tel.)	Turkey agrees to unloading of <i>Caesar's</i> entire cargo at Beirut and taking on of passengers for Europe. Other plans for Jaffa.	539
3363	Feb. 20, 1917	To the Ambassador in Turkey (tel.)	The <i>Des Moines</i> and <i>Caesar</i> will proceed to Jaffa and Beirut upon receipt of German guaranties against interference.	540
2513	Feb. 23, 1917 [Rec'd Feb. 26]	From the Ambassador in Turkey (tel.)	Uncertain character of guaranties furnished by Turkey and Germany for safe-conduct of the <i>Caesar</i> and <i>Des Moines</i> .	540
3379	Feb. 27, 1917	To the Ambassador in Turkey (tel.)	The <i>Caesar</i> and <i>Des Moines</i> cannot be sent to Beirut without satisfactory guaranties of safety.	541
	Mar. 27, 1917 [Rec'd Mar. 28]	From the Spanish Ambassador	Spain offers the United States shipping facilities for sending relief to Christian prisoners in Syria and Palestine.	541
	Mar. 28, 1917	To the Spanish Ambassador	Acknowledgment of offer of shipping facilities for relief of Christians in Syria and Palestine and request that ships convey Americans from Syria back to Spanish port.	542

V. RELIEF OPERATIONS—Continued

No.	Date	From and to whom	Subject	Page
2563	Mar. 23, 1917 [Rec'd Mar. 29]	From the Ambassa- dor in Turkey (tel.)	Turkey's concession and Ger- many's guaranty regarding re- lief ships for Syria and Pales- tine.	542
3481	Apr. 3, 1917	To the Ambassador in Turkey (tel.)	Acceptance of Spanish offer to furnish ship to transport U.S. relief supplies to Syria and Palestine.	544
	May 2, 1917 [Rec'd May 3]	From the Spanish Ambassador	Spain inquires as to quantity of U.S. supplies to be sent to Asia Minor, in order to fur- nish adequate shipping.	544
	May 4, 1917	To the Spanish Am- bassador	Information regarding quan- tity of relief supplies to be shipped to Asia Minor.	545
	May 5, 1917 [Rec'd May 11]	From the Spanish Ambassador	Spain cannot transport sup- plies from America but will make every effort to forward to Asia Minor supplies sent to Spain.	546
	Aug. 24, 1917	To the American Committee for Ar- menian and Syrian Relief; similar let- ters to other relief agencies	Authorization to transmit re- lief funds to Turkey. Instruc- tions.	547
	Sept. 1, 1917	To the Consul Gen- eral at Saloniki (tel.): Red Cross to Ryan	Arrangement to purchase <i>Cae- sar's</i> cargo at Alexandria and send to Saloniki.	548
	Sept. 5, 1917	To the Consul at Alexandria (tel.)	Instructions to request British to provide quick transporta- tion to Saloniki for the <i>Cae- sar's</i> cargo.	548
	Sept. 25, 1917	From the Consul at Alexandria (tel.)	Reports loading of the <i>Caesar's</i> cargo.	548n
	Oct. 3, 1917	To the American Committee for Ar- menian and Syrian Relief; the same to other relief agen- cies	Change in formula of authority for remittances to subject races in Turkey.	548
	Oct. 16, 1917	To the American Committee for Ar- menian and Syrian Relief; the same, <i>mutatis mutandis</i> , to other relief agen- cies	Authorization to remit funds nullified by Enemy Trading Act. Plan to secure licenses from W.T.B. for Committee to continue relief.	549
	Oct. 26, 1917	To the American Committee for Ar- menian and Syrian Relief; the same to other relief agencies	Application for license to per- mit transfer of credits, etc., in relief work should be made to W.T.B.	549
567	Dec. 3, 1917 [Rec'd Dec. 7]	From the British Ambassador	Attention called to fact that relief funds sent to Turkey will tend to prolong the war.	550
	Dec. 18, 1917	To the British Am- bassador	Justification of U.S. policy in permitting relief funds to be sent to subject races of Otto- man Empire.	551

V. RELIEF OPERATIONS—Continued

No.	Date	From and to whom	Subject	Page
646	Dec. 26, 1917 [Rec'd Dec. 27]	From the British Ambassador	Organized British relief work for the Jews in the Holy Land. Requests U.S. cooperation.	551
	Jan. 5, 1918	To the British Ambassador	U.S. cooperation with Great Britain in relief measures for Palestine.	552
	Jan. 26	To the Chairman of the W.T.B.	Department's policy regarding relief for certain countries in the Near East.	553
1384	Jan. 26	From the Minister in Sweden (tel.)	From Constantinople, Jan. 12: dispatch of gold through Sweden to Turkey suggested in relief work.	554
507	Jan. 31	To the Minister in Sweden (tel.)	To Constantinople: details requested regarding suggested gold shipment to Turkey.	554
1635	Mar. 6 [Rec'd Mar. 7]	From the Minister in Sweden (tel.)	From Constantinople, Feb. 27: details of proposed transmission of gold for relief work.	555
1661	Mar. 9 [Rec'd Mar. 10]	From the Minister in Sweden (tel.)	From Constantinople, Mar. 5: Ottoman Minister of Finance authorizes foreign gold changed to Turkish money for relief purposes.	555
304	Mar. 21	From the British Ambassador on Special Mission	Provisional approval of plan for U.S. Zionists to dispatch medical unit to Palestine.	556
23	Mar. 30 [Rec'd Mar. 31]	From the Agent and Consul General at Cairo (tel.)	Zionist Commission to Palestine will hereafter administer all measures of relief in Palestine.	556
	Apr. 6	To the Agent and Consul General at Cairo (tel.)	Department will continue to transmit relief funds through the Agency for distribution by the Zionist Commission.	557
708	Apr. 15	To the Minister in Sweden (tel.)	Plan of forwarding gold from Sweden to Constantinople disapproved.	557
	May 9	To the British Ambassador on Special Mission	Suggests that the British notify the enemy of U.S. recognition of Zionist Medical Unit.	557
	May 17	To the British Ambassador on Special Mission	Encloses memorandum officially recognizing American Zionist Medical Unit loaned to British for service in Palestine.	558
	June 14	To the British Ambassador on Special Mission	Personnel of Zionist Medical Unit.	559
	July 16	To the Chamber of Commerce, Columbus, Ohio	Functioning of American Committee for Armenian and Syrian Relief.	559
	July 22	To the War Trade Board	Stipulated amount of remittances approved for relief and for maintenance of certain institutions in Turkey	560
112	Aug. 24 [Rec'd Sept. 30]	From the Agent and Consul General at Cairo	Report on relief work in Palestine.	561

V. RELIEF OPERATIONS—Continued

PERSIAN RELIEF

No.	Date	From and to whom	Subject	Page
	Dec. 10, 1917 [Rec'd Dec. 14]	From the Minister in Persia (tel.)	Famine conditions in Persia. Red Cross assistance desired.	563
23	Jan. 10, 1918	To the Minister in Persia (tel.)	Inquiry as to best method by which Red Cross can relieve famine in Persia.	564
	Jan. 22 [Rec'd Jan. 23]	From the Minister in Persia (tel.)	Further report on conditions and information regarding food supplies available for Persia.	564
	Jan. 25	To the Vice Chairman of the American Red Cross	Red Cross aid to Persia recommended.	564
29	Mar. 5	To the Minister in Persia (tel.)	Inquiry as to status of Persian Cossacks and Persian attitude toward Armenians. U.S. relief measures.	565
311	Mar. 22 [Rec'd Mar. 25]	From the British Ambassador on Special Mission	Prospect of good harvest in Persia. Impracticable nature of MacCallum's proposed relief plan.	565
44	Apr. 22	To the Minister in Persia (tel.)	Transmits message of American Relief Committee to Persia appealing for maintenance of peace irrespective of religion or nationality.	566
53	May 10	To the Minister in Persia (tel.)	Instructions to report situation of Jews in Persia.	566
	May 13 [Rec'd May 14]	From the Minister in Persia (tel.)	Estimated number of needy Jews in Persia.	567
520	May 15 [Rec'd May 17]	From the British Chargé	British recommendations relative to MacCallum's relief expedition to Persia.	567
60	May 29	To the Minister in Persia (tel.)	Instructions regarding use of funds deposited by Joint Distribution Committee for Jewish relief in Persia.	567
	July 5 [Rec'd July 6]	From the Secretary of the Amer. Com. for Armenian and Syrian Relief	Encloses copy of Committee's letter to Persian Chargé concerning commission sent for relief work in Persia.	568
	Aug. 22 [Rec'd Aug. 24]	From the Consul at Tabriz, temporarily at Casvin (tel.)	British establishing camps to care for refugees arriving Hamadan. U.S. aid needed.	569
381	May 6 [Rec'd Aug. 26]	From the Minister in Persia	Encloses Foreign Minister's reply, May 5, to Committee's appeal for peace.	570
16	Oct. 2 [Rec'd Oct. 3]	From the Minister in Persia (tel.)	Conditions in Persia; need for additional funds.	571
	Undated [Rec'd Nov. 21]	From the Persian Foreign Minister (tel.)	Expression of appreciation for sending of American Relief Commission to Persia.	571

V. RELIEF OPERATIONS—Continued

FINNISH RELIEF

No.	Date	From and to whom	Subject	Page
1915	Dec. 4, 1917 [Rec'd Dec. 10]	From the Finnish Commissioner	Request for release in U.S. ports of flour owned by Fin- nish Government, to prevent starvation in Finland.	572
	Dec. 19, 1917	To the Ambassador in Russia (tel.)	Flour, purchased by Finland, requisitioned for France. Corn available for Finland at Gulf ports.	574
487	Jan. 4, 1918 [Rec'd Jan. 5]	From the Commer- cial Adviser of the British Embassy	Inquiry as to measures for in- suring final destination of grain shipments and request for full consultation.	574
	Jan. 12	To the Commercial Adviser of the Brit- ish Embassy	Arrangements for safeguards for grain shipments.	575
1407	Jan. 16	To the Minister in Sweden (tel.)	Instructions to confer with Sweden and British Minister on control of distribution of shipments and transit across Sweden.	576
570	Jan. 29 [Rec'd Jan. 30]	From the Minister in Sweden (tel.)	Sweden will permit transit of food to Finland. Recom- mendations.	576
	Feb. 21	To the Shipping Board Representa- tive on the W.T.B.	Requests arrangements for limited shipments of food- stuffs to Finland.	577
570	Feb. 27	To the Minister in Sweden (tel.): Ignat- ius to Finnish Leg- ation	Chartering of vessels for ship- ment of oats to Finland.	577
1579	Feb. 27	From the Minister in Sweden (tel.)	Pro-German influence in Fin- land; effect, political and eco- nomic, of furnishing supplies to Finland.	578
1707	Mar. 16	From the Minister in Sweden (tel.)	Views of Allied Ministers on question of furnishing cereals to Finland, in view of Finnish treaty with Germany.	578
653	Mar. 30	To the Minister in Sweden (tel.)	Initial U.S. shipment of 2,000 tons foodstuffs for Finland approved.	580
1813	Apr. 2 [Rec'd Apr. 3]	From the Minister in Sweden (tel.)	Urges that shipment of cereals to Finland be refused.	580
	Apr. 12	To the Chairman of the W.T.B.	Finnish Food Commissioner informed that conditions in Finland do not warrant ship- ment of foodstuffs.	581
8296	June 18	To the Chargé in Great Britain (tel.)	Reported negotiations for sending American grain to Finland for distribution after German withdrawal. Instruc- tions.	581
78	July 6	To the Chargé in Great Britain (tel.)	Reasons for decision to send no foodstuffs to Finland.	582
936	July 12	To the Minister in Sweden (tel.)	Instructions to inform Finnish representatives that Finnish Food Commissioner will re- turn home.	582

V. RELIEF OPERATIONS—Continued

No.	Date	From and to whom	Subject	Page
	Aug. 8	From the Swedish Legation; similar notes from the Danish and Norwegian Legations	Appeal for exportation to Finland of enough breadstuffs to prevent actual starvation.	582
717	Aug. 10	To the Ambassador in Great Britain (tel.)	Presence of German military forces in Finland thought to preclude any aid to that country. British attitude sought.	583
910	Aug. 15	From the British Chargé	Sending food to Finland impossible so long as it is occupied by German military forces. U.S. attitude sought.	584
	Aug. 17	To the Swedish Legation; <i>mutatis mutandis</i> , to the Danish and Norwegian Legations	Request for food for Finland refused so long as Finland continues to be occupied by German military forces.	585
	Aug. 29 [Rec'd Aug. 31]	From the French Ambassador	Conditions which France imposes for revictualing of Finland.	585
2239	Sept. 20	To the French Ambassador	U.S. attitude toward furnishing food to Finland in accord with that of France.	586
2970	Oct. 9 [Rec'd Oct.10]	From the Chargé in Sweden (tel.)	Withdrawal of German troops furnishes opportunity to win Finland over to Allies. Export of cereals to Finland recommended.	587
1203	Oct. 11	To the Chargé in Sweden (tel.)	Reports of German evacuation discredited as plot to slow up Allied activities.	587
	Nov. 16	To the Commercial Adviser of the British Embassy	Approval of definite measures to feed Finnish population in view of withdrawal of German troops.	588

SERBIAN RELIEF

270	May 8, 1917	From the Serbian Minister	Appeal for loan for Serbia.	588
	May 19, 1917 [Rec'd May 21]	From the Serbian Minister	Needs of Serbian Government and Army; hope of U.S. support.	591
	June 11, 1917 [Rec'd June 13]	From the Assistant Secretary of the Treasury	Encloses note from Serbian Minister, June 1, and Treasury reply, June 7, regarding loan to Serbia.	593
	Aug. 4, 1917	To the Special Agent in Corfu (tel.): from McAdoo	Transfer of funds to Paris for relief of Serbia.	597
	Aug. 9, 1917 [Rec'd Aug. 11]	From the Special Agent in Corfu (tel.)	Foreign Minister's views as to distribution of U.S. loan to Serbia.	598
	Aug. 23, 1917	To the Special Agent in Corfu (tel.); from McAdoo	Credit of \$3,000,000 established in favor of Serbia. Stipulations as to distribution.	598

V. RELIEF OPERATIONS—Continued

No.	Date	From and to whom	Subject	Page
1005	Nov. 21, 1917	From the Serbian Minister	Contemplated exchange of sound prisoners. Proposal that American Red Cross pro- vision Serbian prisoners in Germany.	599
65	Nov. 30, 1917	To the Serbian Min- ister	Disapproval of contemplated exchange of sound prisoners; approval of proposed provi- sioning of Serbian prisoners by American Red Cross.	600
2880	Nov. 30, 1917	To the Ambassador in France (tel.): Leffingwell to Cros- by	Quotes British note on Serbian relief. Instructions to advise regarding further loan to Serbia.	601
1064	Dec. 7, 1917	From the Serbian Minister	Review of situation of Serbian war prisoners in enemy coun- tries and specific request for relief.	602
15	Dec. 6, 1917 [Rec'd Dec. 10]	From the Delegate to the Inter-Allied Council (tel.): to McAdoo	Serbian Prime Minister states British and French relief to Serbia insufficient. Delay on loan advised.	604
6039	Dec. 14, 1917	To the Ambassador in Great Britain (tel.): Leffingwell to Crosby	Relief of Serbian prisoners of war should be shared by the United States, Great Britain, and France.	605
	Dec. 20, 1917 [Rec'd Dec 21]	From the Ambassa- dor in Great Brit- ain (tel.): Crosby to McAdoo	Extensive aid to Serbian Gov- ernment by France and Great Britain. British relief to civil- ians restricted. Further U.S. loans advised.	605
6102	Dec. 22, 1917	To the Ambassador in Great Britain (tel.): Leffingwell to Crosby	Further credit established to be used by American Red Cross for relief of Serbian prisoners.	606
66	Dec. 29, 1917	To the Serbian Min- ister	Department is supporting re- quest for relief of Serbian war prisoners in enemy countries.	606
1457	Jan. 5, 1918	To the British Am- bassador; similar note to the French Ambassador	British cooperation requested in proposed provisioning of Serbian prisoners by Ameri- can Red Cross.	607
67	Jan. 9	To the Serbian Min- ister	Obstacles to proposed relief for civilian population in enemy-occupied portion of Serbia.	607
1325	Jan. 11	To the Chargé in Switzerland (tel.): to Dresel	Provisioning of Montenegrin war prisoners requested by Serbia. Inquiries.	608
72	Jan. 15 [Rec'd Jan. 18]	From the British Chargé	Great Britain will facilitate provisioning of Serbian and Montenegrin war prisoners by American Red Cross.	609
2484	Jan. 23 [Rec'd Jan. 24]	From the Chargé in Switzerland (tel.): Dresel to Davison	Distribution of supplies for Serbian and Montenegrin war prisoners. Special guaranties unnecessary.	609
	Feb. 12	From the French Ambassador	France will facilitate transit of supplies for Serbian prisoners. Plan for U.S., British, and French regulation of ship- ments.	610

V. RELIEF OPERATIONS—Continued

No.	Date	From and to whom	Subject	Page
1566	Mar. 5	To the Minister in Switzerland (tel.)	Allotment of certain percentage of supplies to Serbian Red Cross for distribution to war prisoners.	611
	Mar. 26 [Rec'd Mar. 28]	From the French Ambassador	Proposed inter-Allied committee in Paris to direct relief of prisoners of small Allied states.	612
3333	May 10 [Rec'd May 12]	From the Minister in Switzerland (tel.)	Petition to allow purchase of supplies in America for transit through Switzerland to Serbians in territory occupied by Austria.	613
1930	May 17	To the Minister in Switzerland (tel.)	Transmission of foodstuffs to Serbian territory occupied by Austria cannot be permitted. Reasons.	614
2149	May 24	To the French Ambassador	Unfavorable to proposed inter-Allied committee at Paris to control supplies for war prisoners of small states. Reasons.	615
145	June 14	To the Consul General at Sofia	Transmission of Serbian memorial on condition of war prisoners. U.S. request for favorable consideration.	615
	June 24 [Rec'd June 28]	From the Special Agent in Corfu (tel.)	Serbian request for increased tonnage for transporting relief purchases.	616
76	May 29 [Rec'd July 1]	From the Special Agent in Corfu	Official reception accorded Serbian Agricultural Unit of American Red Cross. Serbian appreciation of mission.	616
	July 9	To the Special Agent in Corfu (tel.)	Red Cross has purchased provisions to extent of money supplied by Serbia. Additional funds have been requested.	617
	July 16	To the Special Agent in Corfu (tel.): from McAdoo	Serbian relief not in need of tonnage; further shipments soon to be made.	618
2379	Aug. 1	To the Minister in Switzerland (tel.)	For Sofia: Serbian representations to Bulgaria <i>re</i> restricting of assistance to Serbian prisoners and refusal of information.	618
	Sept. 8 [Rec'd Sept. 9]	From the Special Agent in Corfu (tel.)	Suggestion that U.S. representative at Sofia request authority to distribute supplies to Serbian prisoners in Bulgaria.	618
	Sept. 12	To the Special Agent in Corfu (tel.)	Inquiry <i>re</i> proposed Serbian prisoner supplies to be distributed by U.S. representative.	619
	Oct. 5	From the Special Agent in Corfu (tel.)	Serbian explanations regarding provisioning of Serbian prisoners and request for increase in shipments.	619
267	Sept. 14 [Rec'd Oct. 30]	From the Consul General at Sofia	Refutation of Serbian statement regarding condition of war prisoners. Enclosure: Bulgarian note of Sept 9.	620

V. RELIEF OPERATIONS—Continued

No.	Date	From and to whom	Subject	Page
	Nov. 8	To the Special Agent in Corfu (tel.)	Request for additional assistance for Serbian prisoners may be disregarded in view of capitulation of Austria-Hungary and Bulgaria.	624

RELIEF FOR RUSSIAN PRISONERS OF WAR HELD BY THE CENTRAL POWERS: THE COPENHAGEN RED CROSS CONFERENCE

1340	May 30, 1917 [Rec'd June 2]	From the Ambassador in Russia (tel.)	Russian Red Cross seeks provisions in the United States for Russian prisoners in enemy countries.	624
1529	July 3, 1917	To the Ambassador in Russia (tel.)	Quotes telegram sent Legation, Copenhagen, inquiring extent and control of Russian relief passing through that city.	625
	July 10, 1917 [Rec'd July 11]	From the Minister in Denmark (tel.)	Favorable report on competency and activities of Copenhagen branch of Russian Red Cross and of Moscow committee in charge.	625
5282	Aug. 9, 1917	To the Ambassador in Great Britain (tel.)	Proposed American Red Cross relief for Allied war prisoners in enemy countries. British opinion sought.	626
7084	Sept. 1, 1917 [Rec'd Sept. 2]	From the Ambassador in Great Britain (tel.)	British views on relief for Russian and other Allied prisoners.	628
7232	Sept. 22, 1917	From the Ambassador in Great Britain (tel.)	Conference in which Harte of Y.M.C.A. proposes plan for relief of Allied prisoners in Germany and for enemy prisoners in Russia.	629
1276	Sept. 27, 1917 [Rec'd Sept. 28]	From the Minister in Denmark (tel.)	Quotes telegram, Sept. 14, from Petrograd to Danish Red Cross regarding Red Cross conference at Copenhagen. Comments on abuse of relief efforts.	630
1295	Sept. 30, 1917 [Rec'd Oct. 1]	From the Minister in Denmark (tel.)	Quotes telegram, Sept. 25, from Petrograd to Danish Red Cross concerning comprehensive scheme for relief of Russian prisoners. Copenhagen conference felt to be German peace propaganda.	631
7325	Oct. 4, 1917	From the Ambassador in Great Britain (tel.)	Disapproval of Harte's comprehensive scheme to feed prisoners. Instructions requested before discussion of relief with Foreign Office.	633
5536	Oct. 5, 1917	To the Ambassador in Great Britain (tel.)	Harte's comprehensive scheme for feeding prisoners disapproved. Consideration being given proposal to feed sick Russian prisoners.	633

V. RELIEF OPERATIONS—Continued

No.	Date	From and to whom	Subject	Page
523	Oct. 5, 1917	To the Minister in Denmark (tel.)	Comprehensive scheme for relief of Russian prisoners never approved; U.S. will not participate in or be bound by decisions of Copenhagen conference.	634
1482	Oct. 25, 1917 [Rec'd Oct. 26]	From the Minister in Denmark (tel.)	Exchange of Russian and German prisoners and repatriation of certain interns in Denmark proposed in conference.	635
5677	Oct. 29, 1917	To the Ambassador in Great Britain (tel.); similar tel. to the Ambassador in France	Telegram No. 1482 from Denmark transmitted with instructions to inquire Government's views and proposed action thereon.	635
1495	Oct. 26, 1917 [Rec'd Oct. 27]	From the Minister in Denmark (tel.)	Conference agrees to exchange of Russian, German, and Austro-Hungarian invalid prisoners. Comments.	635
5686	Oct. 29, 1917	To the Ambassador in Great Britain (tel.); the same to the Ambassador in France	Telegram No. 1495 from the Minister in Denmark quoted.	635 ⁿ
1809	Oct. 30, 1917	To the Ambassador in Russia (tel.)	Telegram No. 1495 from Minister in Denmark quoted with instructions that, if report is true, Russia be warned of grave peril to Allied cause.	635 ⁿ
5724	Nov. 3, 1917	To the Ambassador in Great Britain (tel.)	Instructions to inquire whether British Government concurs in American Red Cross plan for provisioning invalid Russian prisoners.	636
1956	Nov. 6, 1917 [Rec'd Nov. 8]	From the Ambassador in Russia (tel.)	Russian assurance that only invalid prisoners will be exchanged. U.S. shipment of food to Denmark inadvisable.	639
7648	Nov. 9, 1917 [Rec'd Nov 10]	From the Ambassador in Great Britain (tel.)	British views on exchange of prisoners, representations having been made to Petrograd.	640
7714	Nov. 16, 1917	From the Ambassador in Great Britain (tel.)	Foreign Office not opposed in principle to American Red Cross plan for provisioning invalid Russian prisoners, but favors postponement.	641
5846	Nov. 17, 1917	To the Ambassador in Great Britain (tel.)	Matter of relief held in abeyance pending clearing of Russian political situation.	641
1876	Dec. 1, 1917	To the Ambassador in Russia (tel.)	Instructions to endeavor to have exchange of prisoners limited to invalids and made through neutral countries.	641
2078	Dec. 8, 1917 [Rec'd Dec. 11]	From the Ambassador in Russia (tel.)	Statements of head of chancery of Russian Red Cross on proposed methods of exchanging prisoners.	642
615	Dec. 17, 1917	From the British Embassy	Expedient that supplies to Russian prisoners cease, pending conclusion of Russo-German negotiations.	642

V. RELIEF OPERATIONS—Continued

No.	Date	From and to whom	Subject	Page
	Dec. 22, 1917	To the British Ambassador	Shipments of U.S. supplies for Russian prisoners negligible. Further shipments will be discouraged.	643
665	Dec. 29, 1917	From the British Ambassador	Reasons for British recommendations for discontinuance of supplies to Russian prisoners.	643
	Jan. 2, 1918	To the Counselor of the British Embassy	Licenses for supplies to Russian and Rumanian prisoners will be withheld pending outcome of negotiations for separate peace.	645
8243	Jan. 12	From the Ambassador in Great Britain (tel.)	British request for U.S. opinion on detaining mail relating to provisioning Russian prisoners.	645
6243	Jan. 14	To the Ambassador in Great Britain (tel.)	All licenses for U.S. supplies to Russian prisoners revoked, hence censorship of U.S. mail unnecessary.	646
8455	Jan. 31	From the Ambassador in Great Britain (tel.)	British inquiry as to censorship of mail regarding transfer of money through neutral country to Russian prisoners.	646
6609	Feb. 18	To the Ambassador in Great Britain (tel.)	Transmission of funds to Russian prisoners discouraged. Detaining of mail on the subject via neutral countries approved.	646
5057	Oct. 5 [Rec'd Oct. 7]	From the Minister in Switzerland (tel.): Dresel to W.T.B.	Inter-Allied Commission of Berne refuses to send supplies to Russian prisoners. U.S. ruling requested.	647
3137	Oct. 17	To the Minister in Switzerland (tel.): W.T.B. to Dresel	Action of Allied Blockade Committee sustained in refusing shipments for Russians.	647

VI. MILITARY SERVICE CONVENTIONS

	Sept. 17, 1917	To the British Ambassador; <i>mutatis mutandis</i> , to the representatives of certain other countries	Encloses draft of proposed agreement between the United States and Great Britain providing for reciprocal military service.	648
5691	Oct. 30, 1917	To the Ambassador in Great Britain (tel.)	Instructions regarding transmittal of British counterdraft of proposed convention.	650
7571	Oct. 31, 1917 [Rec'd Nov. 1]	From the Ambassador in Great Britain (tel.)	Quotes text of British counterdraft of proposed convention.	650
5769	Nov. 10, 1917	To the Ambassador in Great Britain (tel.)	Transmits text of U.S. counterdraft of proposed convention. Explanations and inquiries.	653
5918	Nov. 28, 1917	To the Ambassador in Great Britain (tel.)	Further changes in draft convention proposed. Concise form desired as model for agreements with other countries.	655

VI. MILITARY SERVICE CONVENTIONS—Continued

No.	Date	From and to whom	Subject	Page
7847	Nov. 30, 1917 [Rec'd Dec.1-3]	From the Ambassador in Great Britain (tel.)	Quotes British note submitting an amended draft convention.	656
5956	Dec. 5, 1917	To the Ambassador in Great Britain (tel.)	The United States agrees in the main to suggested changes in draft convention. Comments and explanations.	659
6054	Dec. 18, 1917	To the Ambassador in Great Britain (tel.)	Canada's acceptance of provisions of art. 4 of draft convention awaited. Explanations regarding declarants and exemptions.	661
3041	Jan. 7, 1918	To the Ambassador in France (tel.); similar tel. to the Ambassador in Italy	Transmits draft of proposed conscription agreement between the United States and Great Britain. Similar agreement with France desired.	662
6251	Jan. 15	To the Ambassador in Great Britain (tel.)	Reasonable delay in signing agreement proposed, with view to awaiting Canada's acceptance of art. 4.	664
8382	Jan. 24 [Rec'd Jan.25]	From the Ambassador in Great Britain (tel.)	British proposed wording of art. 4.	664
6390	Jan. 30	To the Ambassador in Great Britain (tel.)	Quotes texts of British and Canadian draft agreements. Certain important modifications suggested to Great Britain. Canadian agreement initialed.	665
8440	Jan. 30	From the Ambassador in Great Britain (tel.)	British proposal that British subjects under conscription agreement be immediately called to service.	669
6421	Feb. 2	To the Ambassador in Great Britain (tel.)	U.S. objection to proposal for immediate conscription of British subjects under conscription agreement.	670
8580	Feb. 8	From the Ambassador in Great Britain (tel.)	Great Britain will not press further question of immediate compulsory military service of its subjects in the United States.	671
1412	Feb. 11 [Rec'd Feb. 12]	From the Ambassador in Italy (tel.)	Quotes Italian note approving proposed conscription agreement, with certain slight changes.	671
8623	Feb. 12	From the Ambassador in Great Britain (tel.)	Quotes British note, Feb. 11, accepting U.S. modification of draft convention with slight changes.	674
6565	Feb. 14	To the Ambassador in Great Britain (tel.)	U.S. acceptance of changes in draft convention; signature urged.	676
3193	Feb. 16	To the Ambassador in France (tel.)	Transmits new draft of proposed conscription agreement with France; early action imperative.	677

VI. MILITARY SERVICE CONVENTIONS—Continued

No.	Date	From and to whom	Subject	Page
1078	Feb. 16	To the Ambassador in Italy (tel.)	Transmits new draft of proposed conscription agreement with Italy; early action imperative. Comments on Italy's suggested changes.	679
8720	Feb. 18	From the Ambassador in Great Britain (tel.)	Quotes British note, Feb. 18, stating British commissioner authorized to sign convention and suggesting that ratifications be exchanged in London.	681
	Feb. 20	To President Wilson	Military service conventions with Great Britain and Canada, together with exchange of notes on art. 1, submitted for ratification.	683
3242	Feb. 23 [Rec'd Feb. 24]	From the Ambassador in France (tel.)	France accepts terms of convention, reserving consent regarding draft age; other points to be adjusted.	691
1430	Feb. 23 [Rec'd Feb. 24]	From the Ambassador in Italy (tel.)	Conditions under which Italy will accept proposed convention.	693
1089	Feb. 26	To the Ambassador in Italy (tel.)	Necessity for uniformity in conventions with cobelligerents; explanations and suggestions.	693
1462	Mar. 10	From the Ambassador in Italy (tel.)	Quotes Italian note stating adjustment of differences satisfactory and Italian Ambassador being authorized to sign convention.	695
3445	Mar. 25 [Rec'd Mar. 26]	From the Ambassador in France (tel.)	Quotes French note objecting to draft age limit in proposed convention.	696
	May 3	To the British Ambassador on Special Mission	Certain amendments to military conventions with Great Britain and Canada proposed at request of members of Senate.	697
585	May 29	From the British Ambassador on Special Mission	Substantial agreement with regard to proposed amendments to conventions.	698
	June 4	To President Wilson	Resubmission of British and Canadian conventions to the Senate, with amendments.	700
1425	June 11	To the Ambassador in Italy (tel.)	Changes in proposed Italian convention, corresponding to those made in British and Canadian conventions, submitted for adoption by Italy.	701
4481	June 11	To the Ambassador in France (tel.)	Changes in proposed French convention, corresponding to those made in British and Canadian conventions, submitted for adoption by France.	702
4784	June 27	To the Ambassador in France (tel.); <i>mutatis mutandis</i> , to the Ambassador in Italy	Immediate signature of military service convention urged.	704
1787	June 30 [Rec'd July 1]	From the Ambassador in Italy (tel.)	Quotes Italian note making further concessions and explanations regarding military service convention.	704

VI. MILITARY SERVICE CONVENTIONS—Continued

No.	Date	From and to whom	Subject	Page
1796	July 2	From the Ambassador in Italy (tel.)	Italians who do military service in the U.S. Army obtain remittal of the exemption tax in Italy.	705
	July 3	To the Chargé in Great Britain	Transmits instruments of ratification of conventions with authorization to effect exchanges; also general certificate of exemption of U.S. citizens outside military age limit.	706
	July 17	From the Greek Minister	Greece ready to sign military convention. Suggested formation of Greek regiments in the United States for service in the Balkans.	707
	June 3	Convention between the United States and Great Britain	Relating to military service of U.S. citizens in Great Britain and of British subjects in the United States.	708
	June 3	Convention between the United States and Great Britain	Relating to military service of U.S. citizens in Canada and of Canadians in the United States.	714
	July 30	General Executive Certificate	Exempting from military service U.S. citizens in Great Britain who are outside U.S. compulsory-service age limit.	717
2195	Aug. 3	To the French Ambassador	U.S. pleased to proceed to signature of convention with France, rights being reserved in behalf of Frenchmen who have become U.S. citizens.	718
	Aug. 5	To the Greek Legation	U.S. readiness to sign convention with Greece; refusal to concur in suggested organization of Greek regiment in the United States.	719
	Aug. 15	To the Italian Ambassador	Interpretation of art. 1 of convention as regards "enrollment" and age fixed for conscription of U.S. citizens in Italy.	720
2112	Aug. 19 [Rec'd Aug. 20]	From the Italian Ambassador	Italy acquiesces in U.S. interpretation of art. 1 of military convention.	721
456	Oct. 15	To the Italian Ambassador	Inquiry as to status in Italy of U.S. citizens of Italian birth exempted from military duty in United States.	722
2538	Oct. 17	From the Italian Ambassador	Italian regulations governing U.S. citizens of Italian birth exempted from military duty in United States.	722
	Sept. 3	Convention between the United States and France	Providing for reciprocal military service.	723
	Aug. 24	Convention between the United States and Italy	Providing for reciprocal military service.	726
	Aug. 30	Convention between the United States and Greece	Providing for reciprocal military service.	729

VII. LEGAL STATUS OF MEMBERS OF AMERICAN FORCES IN EUROPE

No.	Date	From and to whom	Subject	Page
7142	Sept. 11 1917	From the Ambassador in Great Britain (tel.)	Quotes British note, Sept. 5, regarding penal military jurisdiction over U.S. forces in Great Britain.	733
	Oct. 1, 1917 [Rec'd Oct. 5]	From the French Ambassador	Encloses British-French declaration on penal military jurisdiction and suggests similar U.S.-French agreement.	734
2023	Jan. 3, 1918	To the French Ambassador	President Wilson authorizes settlement, by exchange of notes, of question of penal military jurisdiction over U.S. and French forces. Quotes draft note of agreement.	735
	Jan. 14 [Rec'd Jan. 16]	From the French Ambassador	France accepts terms of agreement regarding penal military jurisdiction over French and U.S. forces.	736
8333	Jan. 21 [Rec'd Jan. 22]	From the Ambassador in Great Britain (tel.)	Quotes British note, Jan. 18, relative to maintenance of discipline among U.S. troops in Great Britain; and memorandum of Judge Advocate General.	737
	Jan. 26 [Rec'd Feb. 1]	From the French Ambassador	Suggested exchange of notes for reciprocal delivery of deserters from French and U.S. Armies.	738
6461	Feb. 5	To the Ambassador in Great Britain (tel.)	Acceptance of British suggestions for cooperation in penal jurisdiction over U.S. military forces in Great Britain. Advisability of formal agreement.	739
	Mar. 3 [Rec'd Mar. 5]	From the French Ambassador	Suggested formula to be inserted in proposed notes regarding reciprocal delivery of deserters from French and U.S. Armies.	740
9101	Mar. 18 [Rec'd Mar. 19]	From the Ambassador in Great Britain (tel.)	Quotes British note, Mar. 15, containing draft regulations and draft order of Army Council to legalize British cooperation in discipline of U.S. troops in Great Britain.	741
9748	Apr. 27	From the Ambassador in Great Britain (tel.)	Quotes British note, Apr. 26, containing supplementary provisions for order of Army Council and suggesting formal agreement with United States.	744
7668	May 10	To the Ambassador in Great Britain (tel.)	Regulations set forth in telegram of Mar. 18 are acceptable.	745
2164	June 7	To the French Ambassador	President Wilson authorizes settlement, by exchange of notes, of question of reciprocal delivery of deserters from French and U.S. Armies. Quotes draft note of agreement.	745

VII. LEGAL STATUS OF MEMBERS OF AMERICAN FORCES IN EUROPE—Continued

No.	Date	From and to whom	Subject	Page
	July 3 [Rec'd July 8]	From the French Ambassador	France accepts terms of proposed arrangement for reciprocal delivery of deserters from French and U.S. Armies.	746
81	July 5	To the Belgian Minister	President Wilson authorizes settlement, by exchange of notes, of question of penal military jurisdiction over U.S. and Belgian forces. Quotes draft note of agreement.	747
264	July 17	To the Chargé in Great Britain (tel.)	British supplementary provisions in note of Apr. 26 not acceptable. Reasons.	748
	July 11 [Rec'd July 17]	From the French Ambassador	Suggested solution for awkward situation arising from finding French deserters or delinquents among noncombatant U.S. troops.	749
2216	Aug. 24	To the French Ambassador	Steps taken to correct situation where French deserters or delinquents are found among noncombatant U.S. forces.	750
	Sept. 6 [Rec'd Sept. 9]	From the Belgian Minister	Belgium accepts terms of agreement on penal military jurisdiction over U.S. and Belgian forces.	751
4452	Dec. 9	From the Chargé in Great Britain (tel.)	Further negotiations relative to maintenance of discipline among U.S. troops in Great Britain.	751
4160	Jan. 20, 1919	To the Ambassador in Great Britain (tel.)	Favorable to agreement with Great Britain on terms similar to those of Franco-American agreement of Jan. 3-14.	752
1469	Mar. 21, 1919	From the Ambassador in Great Britain (tel.)	British view that, owing to present military situation, it is unnecessary to proceed with agreement.	752
5106	Apr. 11, 1919	To the Ambassador in Great Britain (tel.)	Proposed agreement deemed desirable; request for draft for consideration.	753
837	June 5, 1919 [Rec'd June 28]	From the Chargé in Great Britain	Encloses British note, May 31, containing draft of proposed U.S.-British agreement regarding penal military jurisdiction.	753
	July 13, 1919 [Rec'd July 16]	From the French Ambassador	Expediency of continuing penal military jurisdiction agreement.	754
	Aug. 10, 1919	To the French Ambassador	Suggestion that penal military jurisdiction agreement be continued until 30 days after notice of termination by either Government.	755
5804	Aug. 13, 1919	To the Ambassador in Great Britain (tel.)	Quotes U.S. draft note of agreement relative to penal military jurisdiction, for submission to Great Britain.	755

VII. LEGAL STATUS OF MEMBERS OF AMERICAN FORCES IN EUROPE—Continued

No.	Date.	From and to whom	Subject	Page
	Aug. 29, 1919 [Rec'd Aug. 30]	From the French Ambassador	France accepts arrangement for continuation of penal military jurisdiction agreement, to be terminated after 30-day notice.	756
	Sept. 2, 1919	To the Belgian Chargé	Suggestion that penal military agreement be continued until 30 days after notice of termination by either Government.	757
	Oct. 20, 1919 [Rec'd Oct. 21]	From the Belgian Chargé	Belgium favorable to proposed continuation of arrangement relative to military penal jurisdiction. Inquiry as to date of notice of modification.	757
	Oct. 25, 1919	To the Appointed Belgian Ambassador	Date on which notice of modification of termination of agreement will be given; also question of effective date.	758
	Nov. 10, 1919 [Rec'd Nov. 12]	From the Appointed Belgian Ambassador	Modification of termination of agreement considered as effective from Oct. 20, 1919; published Nov. 8.	758
3563	Dec. 20, 1919	From the Ambassador in Great Britain (tel.)	British attitude toward concluding convention regarding penal military jurisdiction.	759
6310	Dec. 26, 1919	To the Ambassador in Great Britain (tel.)	Proposed convention necessary as long as any U.S. forces remain in Great Britain.	759
23	Jan. 6, 1920	From the Ambassador in Great Britain (tel.)	British inquiry as to reason why the United States deems convention desirable.	759
88	Jan. 30, 1920	To the Ambassador in Great Britain (tel.)	U.S. forces having been withdrawn from British territory, proposed convention no longer necessary.	760

VIII. MISCELLANEOUS SUBJECTS

MARRIAGES OF MEMBERS OF AMERICAN FORCES IN FRANCE

	Jan. 26, 1918 [Rec'd Feb. 1]	From the French Ambassador	Proposed agreement regarding regulations for marriages of U.S. soldiers to French women. Encloses arrangements arrived at by British and French on subject.	761
2097	Mar. 12	To the French Ambassador	Pershing's views on regulations regarding marriages of U.S. soldiers to French women.	764
	Mar. 28 [Rec'd Apr. 1]	From the French Ambassador	Bases upon which France deems possible an agreement regarding marriages of U.S. soldiers to French women.	765
	Apr. 30 [Rec'd May 1]	From the French Ambassador	Urgency of concluding agreement regulating marriages of U.S. soldiers to French women. Provisions proposed.	766

VIII. MISCELLANEOUS SUBJECTS—Continued

No.	Date	From and to whom	Subject	Page
2158	June 12	To the French Ambassador	Encloses forms of affidavits, etc., to be used in marriages of U.S. soldiers to French women. Explanations.	767
	July 28 [Rec'd July 31]	From the French Ambassador	Importance of penal legislation in United States against U.S. soldiers guilty of perjury in making out marriage affidavits.	769
2333	Sept. 14	To the French Ambassador	Army regulations exist for punishment of U.S. soldiers guilty of perjury or bigamy. Legislation also being proposed.	770
	Nov. 7 [Rec'd Nov. 9]	From the French Ambassador	Proposal of exchange of notes to record agreement for regulating marriages of U.S. soldiers to French women. Encloses draft note of agreement.	771
2289	Nov. 27	To the French Ambassador	Marriage regulations to include all U.S. forces abroad now under consideration of War and Navy Departments.	773
	Feb. 3, 1919	To the French Chargé	Encloses draft of proposed bill to regulate marriages of persons in U.S. military and naval forces in foreign countries.	773
	June 22, 1919 [Rec'd June 30]	From the French Chargé	Draft bill meets with approval of France. Certain modifications suggested.	777
	Aug. 1, 1919	To the French Ambassador	Impracticable nature of suggested modification of draft bill.	777
	Sept. 26, 1919 [Rec'd Sept. 29]	From the French Ambassador	France desists from objections to draft bill and desires that its introduction to Congress be expedited.	779
	Oct. 21, 1919	To the French Ambassador	Draft bill relative to marriages of U.S. soldiers and sailors submitted to Congress. [Foot-note states bill not made law.]	779

ALLEGED VIOLATIONS OF THE LAWS OF WAR

2615	Feb. 11, 1918	From the Chargé in Switzerland (tel.)	Quotes appeal of International Committee of Red Cross, Feb. 6, against use by armies of asphyxiating and poisonous gases.	779
2617	Feb. 11 [Rec'd Feb. 12]	From the Chargé in Switzerland (tel.)	Red Cross appeal to President Wilson to secure Allied action against use of poisonous gases.	781
3212	Feb. 21	To the Ambassador in France (tel.)	Inquiry as to tenor of identic note suggested by French Ambassador as reply of Allies to Red Cross appeal.	781

VIII. MISCELLANEOUS SUBJECTS—Continued

No.	Date	From and to whom	Subject	Page
3580	Apr. 11 [Rec'd Apr. 12]	From the Ambassador in France (tel.)	Proposed identic reply of Allies to appeal of Red Cross, based on resolution of Supreme War Council.	782
3072	Apr. 13 [Rec'd Apr. 15]	From the Minister in Switzerland (tel.)	<i>Résumé</i> of proposed identic reply of Allies to appeal of Red Cross, submitted for approval.	782
434	Apr. 24 [Rec'd Apr. 25]	From the British Embassy	U.S. concerted action with Allies suggested in requiring effective guaranty from Germany for discontinuance of use of poisonous gases.	783
3275	May 7 [Rec'd May 9]	From the Minister in Switzerland (tel.)	British Minister instructed to present to Red Cross identic reply regarding poisonous gases.	783
1926	May 17	To the Minister in Switzerland (tel.)	Instructions to present to Red Cross note suggested by French Ambassador regarding poisonous gases.	784
147	July 5	To the Consul General at Sofia	Protest to Bulgaria on behalf of Greece against ill-treatment of Greeks in Macedonia; request for remedial measures.	784
	Sept. 19	From the Swiss Chargé	Transmits German protest against use of shotguns by U.S. Army and threat of reprisals.	785
	Sept. 28	To the Swiss Chargé	Reply to German protest, defending use of shotguns by U.S. Army and giving notice of reprisals if German threats are carried out.	785
5801	Oct. 4	To the Ambassador in France (tel.)	President Wilson opposes suggested double retaliation for Austrian executions of Allied aviators bearing manifestos. U.S. counterproposal.	786
4592	Sept. 24 [Rec'd Oct. 15]	From the Minister in Switzerland	Encloses press account of German reply to Red Cross protest against use of poisonous gases.	787
	Nov. 2	From the Swiss Chargé	Encloses German note relative to air raids on German territory.	788
	Nov. 2	From the Belgian Minister	German orders for destruction of Belgian mines.	789
287	Nov. 7	To the Swiss Minister	U.S. protest to Germany against contemplated destruction of Belgian mines.	790
	Nov. 11 [Rec'd Nov. 12]	From the Swiss Minister	Transmits German denial that destruction of Belgian mines has begun.	791

PASSPORT AND VISA REGULATIONS

2619	May 11, 1917	Executive order	Amendment to Consular Regulations: verification of U.S. passports and visa of foreign passports.	791
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VIII. MISCELLANEOUS SUBJECTS—Continued

No.	Date	From and to whom	Subject	Page
94343-N	May 29, 1917	To the diplomatic and principal consular officers in certain countries (tel.)	Instructions regarding verification of U.S. passports and visa of foreign passports.	793
	June 5, 1917	The Secretary of Commerce to certain steamship lines	Formal request not to transport any U.S. citizens or aliens departing from the United States without valid passports.	793
	535 July 26, 1917	To the diplomatic and consular officers	Encloses joint order of Secretaries of State and Labor requiring passports, etc., from aliens desiring to enter United States; also declaration form for aliens about to depart. Instructions and regulations.	794
	1473 Aug. 8, 1918	Proclamation	Regulating the issuance of passports and granting of permits to depart from and enter the United States.	807
	2932 Aug. 8	Executive order	Prescribing further rules and regulations governing issuance of permits to enter and leave the United States.	810

EXPATRIATION AND REPATRIATION

5676	Oct. 27, 1917	To the Ambassador in Great Britain (tel.); to repeat to Paris, Rome, and Petrograd	Certificates of repatriation are provided for Americans who served in armed forces of Allies.	822
568	Dec. 28, 1917	To the diplomatic and consular officers	Instructions regarding application of act declaring no U.S. citizen may expatriate himself when this country is at war.	823
246	Sept. 5, 1918	To the British Ambassador on Special Mission	Status of W. E. Mellen, U.S. citizen, who has applied for naturalization under Canadian law.	823
628	Sept. 26, 1918	To the diplomatic and consular officers	Instructions regarding repatriation of U.S. citizens who have taken oaths of allegiance to Allied Powers for military service.	824
302	Apr. 23, 1919	From the British Ambassador on Special Mission	Question arising in Cape Town, Africa, of recognizing naturalization of U.S. citizens as British subjects in time of war. Citation of treaty of 1870.	826
	July 19, 1919	To the British Chargé	Argument upholding act forbidding expatriation of U.S. citizens in time of war. Case of J. C. Bull and R. J. Mahaffery.	827

VIII. MISCELLANEOUS SUBJECTS—Continued

STATUS IN AMERICAN PORTS OF SHIPS OWNED OR REQUISITIONED BY FOREIGN GOVERNMENTS AND ENGAGED IN COMMERCE

No.	Date	From and to whom	Subject	Page
	Apr. 9, 1918 [Rec'd Apr. 10]	From the Ambassador in Argentina (tel.)	Argentine complaint of treatment accorded national transport <i>Chaco</i> , in U.S. ports.	829
	Apr. 30	From the Ambassador in Argentina (tel.)	Reply regarding treatment of Argentine transports in U.S. ports is anxiously awaited.	831
	May 3	To the Ambassador in Argentina (tel.)	Explanations regarding treatment accorded transport <i>Chaco</i> ; agreement signed by President of Argentine Naval Commission is quoted.	831
	May 18	From the Ambassador in Argentina (tel.)	Argentina considers explanations regarding the <i>Chaco</i> as satisfactory.	834
	Nov. 4	To the Italian Ambassador	U.S. reply to Italian representations regarding immunity from arrest of ships in service of Allies. Case of the <i>Attualità</i> .	835

RADIO COMMUNICATION WITH FRANCE

1892	June 19, 1917 [Rec'd June 23]	From the French Ambassador	Proposed building in France of new high-power wireless station for radio communication with the United States.	836
	July 19, 1917	To the French Ambassador	Official radio service with France during present war over such station as may be designated is assured. Commercial service in peace time to be considered.	837
	Jan 8, 1918	The Chief, Bureau of Steam Engineering, to the Commander in Chief, U.S. Naval Forces in European Waters	Report on progress in construction of high-power radio station in southwest France.	838
5960	Jan. 18 [Rec'd Feb. 5]	From the Ambassador in France	Encloses protocol, Jan. 5, of conference between U.S. and French members of Inter-Allied Radiotelegraphic Commission.	839
	Nov. 24, 1919 [Rec'd Nov. 26]	From the Secretary of the Navy	Armistice signed before completion of high-power radio station in France. Encloses U.S.-French agreement, Feb. 11, 1919, concerning its completion.	840

VIII. MISCELLANEOUS SUBJECTS—Continued
 AMERICAN-ITALIAN PROTOCOL RELATIVE TO RADIO SERVICE

No.	Date	From and to whom	Subject	Page
	Jan. 16, 1918	From the Italian Ambassador	Advisability of convention be- tween the United States and Italy to regulate radiotele- graphic communications. Draft submitted.	844
384	Feb. 14	To the Italian Am- bassador	Two changes proposed in draft protocol for regulation of U.S.- Italian radiotelegraphic com- munication.	845
707	Feb. 28	From the Italian Ambassador	Italy accepts changes in draft protocol. Text transmitted for signature.	846
	Mar. 27	U.S.-Italian protocol	Regulation of radiotelegraphic communication between the two countries.	847

I
PRISONERS OF WAR

TREATMENT OF PRISONERS OF WAR

File No. 811.712/69

The Postmaster General (Burlison) to the Secretary of State

WASHINGTON, May 15, 1917.

[Received May 16.]

SIR: Referring to this Department's letter of the 9th ultimo,¹ transmitting a copy of the *Daily Bulletin* of this Department containing the Postmaster General's Order No. 211 of the 7th ultimo,² suspending mail service for and via Germany, I have the honor to transmit herewith for the information of your Department a copy of the *Daily Bulletin* of the Department containing the Postmaster General's Order No. 331 of today's date,¹ giving notice that the provisions of Order No. 211 are not to be understood as applying to mail for or from prisoners of war.

By direction of the Postmaster General:

Very respectfully,

A. A. FISHER

Acting Second Assistant Postmaster General

File No. 763.72114/2712b

The Secretary of State to the Minister in Switzerland (Stovall)

[Telegram]

WASHINGTON, May 29, 1917, 7 p. m.

616. Please report exactly what is being done from Berne in relief of American prisoners in Germany. It would appear from a telegram from Stockholm from Harte of the Y.M.C.A. that he is forwarding parcels fortnightly to prisoners. This perhaps is desirable until a complete relief organization is established by you, when the entire question of relieving the needs of American prisoners should be directed by you under advice from the Department and with the

¹ Not printed.

² *Post*, p. 412.

American Red Cross and Berne Aid Society cooperating. Does this meet with your views? Red Cross here could forward parcels from the United States to Berne Aid Society if food is difficult to obtain in Switzerland, and, since there is no parcel-post service between the United States and Switzerland, Red Cross propose temporarily at least to send parcels to American clearing house at Paris for reforwarding. Please formulate and forward as soon as possible to Department general plan, having in mind that number of prisoners may be greatly increased when United States forces are sent to the French front.

LANSING

File No. 763.72114/2715

The Minister in Switzerland (Stovall) to the Secretary of State

[Telegram]

BERNE, June 2, 1917, 5 p. m.

[Received June 4, 9.25 a. m.]

991. Your 616, May 29. Have despatched through Comité Bernois, a Swiss organization assisting prisoners of different nationalities, a package to each man containing shirt, underclothing, socks, various food supplies including meat, vegetables, chocolate, coffee, sardines, and tobacco. Have also arranged fortnightly supply of bread through Comité Franco-Belge but temporary lack of flour has so far prevented shipment. Expect this will shortly be remedied but suggest that despatch of food in bulk at earliest moment possible from America important. Supplies should include especially flour, then lard, sugar, rice, and soap, all of which impossible to procure and ship from here. Other articles such as condensed milk, bacon, coffee, jam, small cheeses, American tobacco, boots would be useful. Shipments by Harte desirable at present and think that for a time existing agencies can be used but ultimately unnecessary and centralization here advisable account of greater facilities, propinquity to France, and official connections. Have communicated with Geneva Society, lately formed. Believe that this can advantageously aid but that all control and initiative should remain in Berne. Organization will shortly be completed with Mrs. Stovall president, Dresel vice president and general director, small executive committee of four or five, and advisory council of about ten from different parts of Switzerland. Shall endeavor to keep scheme elastic and informal for the present with view to future development. Shall arrange temporary quarters at old Legation and engage one paid clerk for the present requirements.

STOVALL

File No. 763.72114/2738

The Secretary of War (Baker) to the Secretary of State

2620316

WASHINGTON, June 16, 1917.

MY DEAR MR. SECRETARY: Referring to your letter of the 11th instant,¹ in which it is reported that the State Department has been advised—

- (a) That the National Committee on Prisons and Prison Labor has been recognized by the War Department as a relief society and given facilities by that Department for visiting and inspecting the camps where are confined German prisoners of war;
- (b) That delegates of that committee have already inspected the camps at Forts Oglethorpe and McPherson.

The letter further states:

Since the Swiss Minister is in charge of German interests it would appear proper that any activities in behalf of German subjects, such as receiving the complaints of prisoners of war, making representations at their request, or relieving their necessities should be undertaken by him or his agents, and not by a private American organization.

This society is simply a relief society as understood in the sense of article 15 of the Hague convention. It has no function of inspection and is in no sense a medium of communication of complaints as between war prisoners and either the United States or German Governments—nor do its activities limit or circumscribe any effort that the Swiss Minister, as representing German interests, may care to take, by himself or his agents, looking to the welfare of these prisoners.

The War Department has been advised of no steps taken or contemplated by the Swiss Minister to systematically care for the welfare of German prisoners. As far as known no such efforts have been made.

However, to the end that the State and War Departments may work in harmony in this matter the National Committee on Prisons and Prison Labor and any other relief society recognized under article 15 Hague convention will be especially limited in its activities and denied further recognition as a relief society unless all its reports are made to the War Department.

It is not deemed advisable to deny these recognized relief societies the privilege of informing the War Department of any legitimate complaint that may come to their attention. This, however, is not a function of a relief society and would be most exceptional.

It is not clearly understood how or under what authority the Swiss Minister proposes to entertain the complaints of these prison-

¹ Not printed.

ers or relieve their necessities unless under article 24 Prussian treaty 1785 and article 24 Prussian treaty 1799, both of which treaties provide—

That each Party shall be allowed to keep a Commissary of prisoners of their own appointment, with every separate cantonment of prisoners in possession of the other, which commissary shall see the prisoners as often as he pleases; shall be allowed to receive and distribute whatever comforts may be sent to them by their friends, and shall be free to make his reports in open letters to those who employ him.

If such is the intention of the Swiss Minister, it is desired that the War Department be informed, as in default thereof the Department must avail itself of all lawful and authorized means provided by law for the care of war prisoners in its custody.

Sincerely yours,

NEWTON D. BAKER

File No. 763.72114/2732

The Minister in Switzerland (Stovall) to the Secretary of State

[Telegram]

BERNE, June 16, 1917, 10 a. m.

[Received June 17, 7.30 a. m.]

2055. Your 616, May 29. Organization completed as outlined my 991, June 2. Name "American Prisoners Central Committee."¹ Suggest that instructions be issued to all officers and men, military and naval, sent abroad, in case of capture immediately to communicate with committee here.

STOVALL

File No. 763.72114/2756b

The Secretary of State to the Ambassador in France (Sharp)

[Telegram]

WASHINGTON, July 5, 1917, 3 p. m.

2418. The Department is considering the whole question of the free entry and transit to Switzerland of all foodstuffs and clothing, whether in bulk or small packages, destined for American prisoners of war and civilians held in the Central Empires or interned in

¹ After amalgamation with the Red Cross, the name of the organization was changed, in August, to "American Red Cross-Central Committee for American Prisoners."

Switzerland. It is desirable that the privileges be as broad as possible. It is possible that it may be desirable occasionally to purchase supplies in France while awaiting the arrival of shipments from this country. Report details of the arrangement between French and British Governments on this subject and what formalities French Government require and your own comments. Early reply desired.

LANSING

File No. 763.72114/2781

The Ambassador in France (Sharp) to the Secretary of State

[Telegram]

PARIS, July 26, 1917.

[Received July 27, 10.30 a. m.]

2330. My 2307, July 18.¹ Foreign Office informs me that only parcels destined to British prisoners of war in Turkey and Austria-Hungary pass through France. Those for prisoners in Germany are forwarded through Dutch and Danish channels. These parcels are accompanied by certificates which ensure their transit through France without further formalities.

Bread destined to British prisoners of war in Germany is made in Switzerland from flour supplied by British Government which indicates to French Government monthly quantity required for which free passage is allowed through France. Free transit is allowed also parcels forwarded from Great Britain to British prisoners interned in Switzerland, accompanied by railway documents.

Note states that French Government is entirely disposed to grant similar facilities for shipments for American prisoners in enemy countries or in Switzerland but, as regards consignments to Germany, it would be well for American Government to make an arrangement with Swiss Government similar to the one made by the British in order that no difficulty should arise both as regards parcels and bread in Danish territory. Foreign Office requests that it receive in due time specimens of certificates which will accompany parcels from America to Germany as well as information as to various quantities of flour which will be sent to Switzerland for making bread.

As regards the purchase in France of food and clothing pending arrival of shipping from the United States, Foreign Office states that on account of the difficulty arising from the present situation in

¹ Not printed; see Department's telegram No. 2418, July 5, *supra*.

France the Government, to its great regret, is not in a position to satisfy a request of this nature and expresses the hope that the American Government may establish forthwith in France a depot of stores for the purpose. The sample of certificates sent with note covers following points: name of forwarding agent in Switzerland; statement that package contains comforts for American prisoners of war giving name of country where prisoner is located, this statement being in French, English, and in the language of the country of destination; the number of the case, list of contents, number of packages and a statement that the contents have been verified; by whom forwarded, with address and a statement that it is sent in bond giving the name of the place to which it is sent and from where it was forwarded.

SHARP

File No. 763.72114/2756a

The Secretary of State to the Minister in Switzerland (Stovall)

[Telegram]

WASHINGTON, August 8, 1917, 6 p. m.

822. On June 6 the French Ambassador wrote this Department stating that the Director General of the Swiss Post Office had recently filed a request from the German Government for free transit through France of parcels not over 5 kilograms for prisoners of war in the United States and requesting statement of the attitude of this Government in the premises. This note was sent to Postmaster General on June 12 with recommendation that it be approved on basis of reciprocity with France, Switzerland, and Germany. His reply approving this basis was communicated to French Ambassador June 26.

The Department understands from Castle¹ that, in the absence of a parcel-post convention, you are negotiating with the Swiss Government for permission and facilities for free transmission of parcels to American prisoners in enemy countries or Switzerland. This agreement would presumably be similar to that made by British Government. French Government states that it is entirely disposed to grant similar facilities for shipments through France. Please cable status of your negotiations with Swiss Government.

LANSING

¹ William R. Castle, Jr., Director of Bureau of Communications, American Red Cross.

File No. 763.72114/2812

*The Secretary of State to the Secretary General of the War Council
of the American Red Cross (Cutcheon)*

WASHINGTON, August 9, 1917.

SIR: With reference to your letter of August 8, 1917, to Mr. Grew,¹ in which you call attention to article 16, chapter 2, section 1 of the annex of the Hague convention of 1899, relative to the payment of carriage or duties of entry on gifts and relief for prisoners of war, I beg leave to refer to article 2 of the same convention which reads—

The provisions contained in the Regulations mentioned in article 1 are only binding on the Contracting Powers, in case of war between two or more of them.

These provisions shall cease to be binding from the time when, in a war between Contracting Powers, a non-Contracting Power joins one of the belligerents.

Inasmuch as all the powers engaged in the present war are not parties to the convention the Department of State regards it as not binding as between the belligerents in the present war. In so far as the rules set forth in the convention are declaratory of international law, they are of course obligatory as being a part of the law of nations, but not by virtue of the convention in which they are laid down.

The Department is now, however, conducting negotiations with a view to arranging with the French, Swiss and German Governments for the reciprocal free transmission of parcels for prisoners in the United States and Germany respectively.

I am [etc.]

For the Secretary of State:

ALVEY A. ADEE

Second Assistant Secretary

File No. 763.72114/2799

*The Assistant Secretary of State (Phillips) to the Ambassador in
Spain (Willard)*

No. 613

WASHINGTON, August 22, 1917.

SIR: The Department will be glad to have you extend such assistance as may be necessary to Mr. Charles P. Howland, deputy com-

¹ Not printed.

missioner of the American Red Cross, who is about to proceed to Europe to set into operation a system for the supply of food and clothing to American prisoners in German camps, and also, if the permission of the British and French Governments shall have been secured, for the supply of food to some 250,000 Russians and 150,000 Servian prisoners of war.

In order to make it certain that there is adequate supervision of distribution and proper inspection of camps where American prisoners are confined, the Red Cross has suggested the advisability of Mr. Howland's securing, through your own good offices and in cooperation with the Spanish Foreign Office, the services of three or more competent and energetic Spaniards, who would be men of ability and some of them at least competent food experts, and who would act as special attachés of the Spanish Embassy in Berlin, with the especial duties of supervising this work in the interests of the Government of the United States. Their salaries, which would be as high as \$5,000 per annum if necessary, would be reimbursed to the Spanish Government by this Government. The Red Cross further desires Mr. Howland to secure other suitable persons to be sent to the countries of the Central Powers as agents of the American Red Cross, their salaries to be assumed by the American Red Cross, to act as camp inspectors and advisors and as food experts under the general direction of the attachés to be employed as suggested above.

In bringing to your notice these suggestions of the Red Cross, it is not the Department's intention to instruct you to take any steps which could in any way be resented by the Spanish Government or which might imply a lack of confidence on the part of this Government in the present personnel of the Spanish Embassy in Berlin and its corps of camp inspectors. The Department would, however, be glad to have you discuss the matter informally with the Foreign Office, approaching the subject from the point of view that this Government wishes to avoid increasing the already heavy task of the present personnel of the Spanish Embassy and for that reason suggests that the employment of these extra camp inspectors might be desirable, in anticipation of the addition of American prisoners to the many prisoners of other nationalities, whose interests are now under the Spanish Embassy's charge. The step should in no case be taken until the Spanish Ambassador in Berlin had been consulted and his approval obtained, preferably by wire.

Should you receive the impression in your conversation at the Foreign Office that the Spanish Government would resent any initiative on the part of the Red Cross in this matter, you will inform Mr. Howland accordingly and advise him that the entire question of camp inspectors must be left with the Spanish Government to arrange as it thinks best. On the other hand, should the approval

of both the Foreign Office and the Spanish Ambassador at Berlin be obtained, you may, in cooperation with Mr. Howland, engage, or request the Spanish Foreign Office to engage, the services of three competent Spaniards for the purpose mentioned, at salaries of not more than \$5,000 per annum, and you may further informally assist Mr. Howland in finding a number of Red Cross agents, with the understanding that they also would be sent to Germany only with the express approval of the Spanish Ambassador at Berlin.

The Department desires to leave this whole matter to your good discretion, as it is one which must be approached with delicacy, and authorizes you to take such steps as in your judgment appear proper and advisable, after consulting with Mr. Howland on his arrival.

I am [etc.]

WILLIAM PHILLIPS

File No. 763.72114/2842

The Minister in Switzerland (Stovall) to the Secretary of State

[Telegram]

BERNE, August 22, 1917.

[Received August 24, 6.45 a. m.]

1494. Your 850, August 20.¹ Negotiations still pending but every expectation of early conclusion. Attitude of Swiss authorities entirely favorable but Postmaster General, Berne, has received no formal notification from French Post Office of assent of its Government to free transmission of parcels through France to German prisoners in America in spite of two inquiries, last of which sent fortnight ago. I have now taken up matter informally with French Embassy here which will urge French postal authorities to telegraph assent to Berne immediately. As soon as this obtained Swiss Post Office will be in position to notify Germany of success of negotiations and to complete arrangements.

STOVALL

File No. 763.72114/2885

The Minister in Switzerland (Stovall) to the Secretary of State

[Telegram]

BERNE, September 15, 1917, noon.

[Received September 17, 6.10 a. m.]

1650. Legation's 1494, August 22. In answer to an inquiry made at French Foreign Office through the American Embassy Paris am informed with reference to parcels mailed at the fourth-class rate and addressed to American prisoners that the French Line boats transporting these parcels are limited to 1,000 each. Prior to final

¹ Not printed; see telegram No. 822, Aug. 8, *ante*, p. 6.

decision on this subject Foreign Office wishes to be informed whether United States Government could endeavor to ship by other means the number of parcels in excess of quantity named.

STOVALL

File No. 763.72114/2899

The Swiss Minister (Sulzer) to the Secretary of State

Department of German

Interests IX Prinz. 6

WASHINGTON, *September 18, 1917.*

SIR: I have the honor to inform Your Excellency that the German Government has expressed to the Swiss Foreign Office the wish that this Legation, representing German interests in the United States, arrange and conduct a visit of inspection of those camps where the officers and crews of the former German auxiliary cruisers *Kronprinz Wilhelm* and *Prinz Eitel Friedrich* are now held prisoners of war, in order to ascertain in what manner these men are quartered, and, in general, all matters relating to their maintenance and personal welfare.

In accordance with this wish, I have been instructed by the Swiss Foreign Office to effect the necessary arrangements to this end, provided always, such an inspection is agreeable to the Government of the United States.

The Department of State having advised this Legation that these men are held prisoners at Fort McPherson and Fort Oglethorpe, Georgia, and having verbally indicated its agreement to the inspection, I beg to inform Your Excellency that I have arranged that my collaborator, Dr. Carl P. Hübscher, Secretary of the Legation, and Mr. Maurice Trembley, of New York, a Swiss citizen, will undertake to inspect these camps the week of September 24. The exact date will be communicated later to Your Excellency. I should esteem it a great courtesy if the officers of these camps would be duly informed of this visit of inspection, and on as early an occasion as Your Excellency may find possible.

Accept [etc.]

HANS SULZER

File No. 763.72114/2899

The Secretary of State to the Swiss Minister (Sulzer)

No. 506

WASHINGTON, *September 21, 1917.*

SIR: I have the honor to acknowledge the receipt of your letter of September 18, 1917, in which you inform the Department of the contemplated inspection, by Dr. Carl P. Hübscher, Secretary of the Legation, and Mr. Maurice Trembley, of New York, a Swiss citi-

zen, of the War Prison Barracks at Fort McPherson and Fort Oglethorpe, Georgia. In reply I have the honor to inform you that the Department of State perceives no objection to the contemplated inspection but that it would be greatly obliged if, in future, the Legation of Switzerland would designate as inspectors only those men who are officially accredited to this country as representatives of the Swiss Government, in charge of German interests in the United States.

As regards the third paragraph of your letter of September 18, 1917, referred to above, I have the honor to inform you that the Department of State is this day in receipt of a communication from the Department of War stating that all the prisoners of war now confined at the War Prison Barracks, Fort Douglas, Georgia [*Utah*], are being transferred to the War Prison Barracks, Fort McPherson, Georgia, and that all interned aliens confined at the last-named War Prison Barracks are being transferred to Fort Oglethorpe, Georgia.

I desire further to advise you that the Department of War has been informed of the proposed inspection of the representatives of the Swiss Government.

Accept [etc.]

ROBERT LANSING

File No. 763.72114/2895

The Secretary of State to the Swiss Minister (Sulzer)

The Secretary of State presents his compliments to the Minister of Switzerland, in charge of German interests in the United States, and has the honor to inform him that pending an agreement with the Imperial German Government regarding the postal correspondence of prisoners of war the Department of War has advised the Department of State that each prisoner of war and interned alien in the United States is limited to the sending of two letters, not to exceed six pages, and one postal card per week and that this does not include postal cards acknowledging the receipt of packages.

WASHINGTON, *September 24, 1917.*

File No. 763.72114/2885

The Secretary of State to the Chargé in Switzerland (Wilson)

[Telegram]

WASHINGTON, *October 3, 1917, 5 p. m.*

988. Your 1650, September 15, noon. Department is of the opinion that limit of 1,000 parcels transported by each steamer of the French Line will for the present be an ample allowance and that no steps need yet be taken to ship by other means the number of parcels in excess of quantity named.

LANSING

File No. 763.72114/2925

The Secretary of State to the Swiss Minister (Sulzer)

The Secretary of State presents his compliments to the Minister of Switzerland, in charge of German interests in the United States, and has the honor to acknowledge the receipt of his memoranda¹ of September 25, 1917, and August 11, 1917, in regard to granting permission for wives of German prisoners interned in the United States to visit their husbands on stated occasions.

The Secretary of State has the honor to inform the Minister of Switzerland that the following provision has now been made by the Department of War in the premises:

Prisoners of war will be allowed to receive visitors, under such restrictions as may be considered necessary by the commanding officer of the camp or barracks in which they are interned, on one day each week.

WASHINGTON, *October 9, 1917.*

File No. 763.72114/2979

The Secretary of War (Baker) to the Secretary of State

WASHINGTON, *October 19, 1917.*

SIR: I have the honor to acknowledge receipt of your communication of October 16,¹ wherein the views of the War Department are requested upon the advisability of constituting a commission to deal quickly and effectively with the various questions which are continually arising with regard to American prisoners in Germany and German prisoners in the United States.

All prisoners of war held by the United States are placed in the custody of the War Department, and The Adjutant General of the Army is, by regulation, given general charge of all matters connected with such prisoners. The Adjutant General is further charged with the maintenance of the Bureau of Inquiry for prisoners of war, which will receive and record the information of American prisoners in Germany that is required by article 4, chapter 1, of the Geneva convention.

Since the outbreak of the present war, The Adjutant General has furnished promptly the American Red Cross the information concerning prisoners that it is necessary for them to have; and he has endeavored to cooperate with them in every way.

The effort of the War Department has been to build up a machinery which would in an adequate and responsible way take care of this

¹ Not printed.

situation. The suggestion that there be a commission would seem to divide the responsibility which, I am afraid, would be unwise. If, however, in your judgment some closer form of integration between the Department of State and the War Department in the matter is wise, I shall be most happy to take the matter up further with you.

Cordially yours,

NEWTON D. BAKER

File No. 763.72114/2989

The Chargé in Switzerland (Wilson) to the Secretary of State

[Telegram]

BERNE, October 25, 1917, 9 a. m.

[Received October 26, 1.45 a. m.]

1921. Your 988 October 3. Swiss postal authorities are still waiting for formal assent of French Government to proposition regarding free transmission of parcels. Suggest that American Embassy, Paris, be directed to inform French Government of contents your 988 and to request immediate communication to Director of Berne Post Office of French acquiescence in the project.

WILSON

File No. 763.72114/3033

The Chargé in Spain (Wilson) to the Secretary of State

[Telegram]

MADRID, November 12, 1917, 10 a. m.

[Received November 13, 9.30 a. m.]

877. Department's instructions 613, August 22.¹ Following *note verbale* from the Foreign Office:

Referring to the telegraphic consultation between the Spanish Ambassador, Berlin, and the Ministry of State, concerning the memorandum of the American Embassy, proposing the designation of three or more Spaniards (one of them at least a food expert) to act as special attachés of Spanish Embassy and to have charge of distribution, and to inspect prison camps where there might be Americans (a plan originating with the American Red Cross, which desired also that other trustworthy persons be sent to the Central Powers as its agents in an inspection of prison camps as advisers and food experts under the direction of the above-mentioned attachés), the Spanish Ambassador states that believing it opportune to discover confidentially the attitude of the German Government, the Under Secretary of State with whom he spoke concerning the

¹ *Ante*, p. 7.

matter stated that agents of the American Red Cross would not be accepted for inspection of prison camps.

Have communicated the above to Howland through Embassy, Paris.

WILSON

File No. 763.72114/2989

The Secretary of State to the Chargé in Switzerland (Wilson)

[Telegram]

WASHINGTON, November 21, 1917.

1143. Your 1921, October 25. French Foreign Office states French Line taking necessary measures to ensure according to its means transportation postal packages for prisoners of war between the United States and Germany, parcels forwarded from the United States to prisoners to be contained in special bundles and to be accompanied by special waybills so as to avoid confusion with commercial parcel post. A specimen of waybill will shortly be submitted to French Government. Have requested French Government to inform Director Berne Post Office of its formal acquiescence to this project for the free transmission of parcels. If French Embassy Berne is not soon instructed by its Government, please request Ambassador to inquire in order that the system may be put into early operation. Presume that Swiss Government will arrange matters with Germany. Reply.

LANSING

[For plans of the War Department for employment of prisoners of war see letter of November 23, 1917, and Department's reply of December 4, *post*, pages 183, 185.]

File No. 763.72114/3065

The Chargé in Switzerland (Wilson) to the Secretary of State

[Telegram]

BERNE, November 26, 1917, 11 a. m.

[Received November 28, 6.50 a. m.]

3016. For Red Cross:

Am forwarding report of Spanish inspectors dated November 1¹ on camp at Brandenburg, containing 28 American prisoners of whom 19 distributed in working camps, stating that treatment and discipline good but—

¹ Not printed.

- (1) Barracks, especially regarding heating, lighting and exposure to rain, unsatisfactory;
- (2) That petty officers Kline and Roop compelled to work;
- (3) Dr. John W. Brown, medical officer of *Esmeraldas*, detained contrary to Geneva convention.

Spanish Embassy has taken up these three points with Foreign Office. Food served unsatisfactory but prisoners are receiving packages regularly and appear not suffering in health or otherwise. Inspectors not allowed to converse without witness. I suggest that you secure, if possible, confirmation of Doctor Brown's medical status. Dresel.

WILSON

File No. 763.72114/3065

The Secretary of State to the Swiss Minister (Sulzer)

No. 46

WASHINGTON, December 1, 1917.

SIR: In view of the telegraphic information received from the Spanish Embassy in Berlin, in charge of American interests in Germany, to the effect that the official prison camp inspectors of the Embassy are not permitted to converse with American prisoners without witness, I regret to have to inform you that hereafter, in conducting inspections of camps or stations where German prisoners are interned in the United States, representatives of the Legation of Switzerland, in charge of German interests in the United States, can not be allowed the privilege of speaking to such prisoners except in the presence of American officials, until the German Government shall have agreed to reciprocity in permitting such conversations without witnesses.

I shall be glad if you will be good enough to inform the German Government to this effect, and if you will state that this Government has hitherto raised no objection to the representatives of your Legation speaking with German prisoners out of hearing of the guards.

Accept [etc.]

ROBERT LANSING

File No. 763.72114/3017e

The Secretary of State to the Chairman of the War Trade Board (McCormick)

WASHINGTON, December 3, 1917.

SIR: With reference to the conference held at this office on November 20, 1917, at which a tentative plan was drawn up in regard to

the censorship and transmission of letters, money orders and parcels to and from American prisoners in Germany and German prisoners in the United States, I have the honor to inform you that the War Department, the Postoffice Department and the Censorship Board have now officially concurred in the suggested procedure and that the plan has the approval of this Department also.

The plan as drawn up and approved is as follows:

(1) To American prisoners in Germany—

(a) *Letters.* That these be addressed directly to the prisoner in Germany giving his name, designation and address and marked "Prisoners of War Mail—via New York," the letters to be mailed in the usual manner and the Postoffice Department on receiving them to submit them to the Postal Censorship Board, which will be licensed by the War Trade Board to send them forward after censorship.

(b) *Money orders.* That these be sent to the American National Red Cross which will be licensed to forward them to the International Red Cross in Geneva.

(c) *Parcels.* That no individual parcels be sent outside of the food packages which are now sent regularly by the American Red Cross—Central Committee for American Prisoners at Berne.

(2) From American prisoners in Germany—

Letters. That the Postoffice Department on receiving them shall submit them to the Postal Censorship Board which will be licensed by the War Trade Board to forward them to their destination after censorship.

(3) To German prisoners in the United States—

Letters. That the Postoffice Department on receiving them shall send them direct to the prison camps where they will be censored by the military censors supplied by the War Department and licensed by the War Trade Board for this purpose. Letters to prisoners held by the Department of Justice and the Department of Labor to be censored by the censors supplied by the Department of Justice who will be licensed by the War Trade Board accordingly.

(4) From German prisoners in the United States—

Letters to be censored in the same manner as under heading (3).

In concurring in this plan the War Department omitted all reference to parcels as dealt with under heading (1) (c). It appears that this matter can be left in abeyance for the present.

The Department will be glad to be informed of such steps as may be taken by the War Trade Board in issuing licenses in order to put into operation the plan determined upon.

I am [etc.]

ROBERT LANSING

File No. 763.72114/3160a

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, *December 26, 1917, 5 p. m.*

6121. If you have not already done so, the Department will be glad to have you make arrangements with the British Government for the Military Attaché to be placed in touch with any British prisoners who may escape from Germany in order to ascertain from them all possible information regarding American prisoners in Germany, including names, whereabouts, treatment, condition of camps, receipt of food packages, etc. Report by cable all important information that may be obtained in this matter.

LANSING

File No. 763.72114/3147

The Chargé in Switzerland (Wilson) to the Secretary of State

[Telegram]

BERNE, *December 31, 1917, 6 p. m.*

[Received January 2, 1918, 11.45 p. m.]

Department's 1143, November 21. Swiss Post Office notifies Legation Germany has assented to proposal for transmission to Germany through France and Switzerland of individual parcels up to 5 kilograms for prisoners. Service can start immediately as Switzerland has notified French Post Office and completed local arrangements.

WILSON

File No. 763.72114/3160d

The Secretary of the State to the Ambassador in Spain (Willard)

[Telegram]

WASHINGTON, *January 4, 1918, 3 p. m.*

814. The Department has received reports which indicate that American prisoners in Germany will not be given same treatment as prisoners of other countries but will be confined with negroes and given degrading treatment. Request Spanish Government to ascertain whether these reports are well founded and, if so, upon what grounds the German Government intends to adopt the attitude indicated.

LANSING

File No. 763.72114/3165d

*The Secretary of State to the Ambassador in France (Sharp)*¹

[Telegram]

WASHINGTON, January 8, 1918.

3043. As soon as general licenses shall have been issued by the War Trade Board under the provisions of the Trading with the Enemy Act, this Government proposes to put into operation the regular transmission, postage free, of letters, money orders, and valuables, as well as parcels by post, intended for or dispatched by prisoners of war, including interned civilians, held in whatever country.

Please inquire of the Government to which you are accredited whether, according to international usage, it will pass such mail matter in transit exempt from all postal duties, with the understanding that all such mail matter as originates in or is destined for the United States will be officially censored in this country before expedition or delivery.

LANSING

File No. 763.72114/3174

The Ambassador in France (Sharp) to the Secretary of State

[Telegram]

PARIS, January 11, 1918, 3 p. m.

[Received January 12, 2.15 a. m.]

3020. Referring to previous communications regarding packages for prisoners of war. Foreign Office informs me that the German postal authorities have telegraphed to the Swiss Bureau that it raises no objections to the sending to prisoners of parcel-post packages from the United States through the French and Swiss posts. Foreign Office note adds that the necessary instructions have been given for the regular forwarding by the French postal authorities of parcel-post packages in question.

SHARP

File No. 763.72114/3167

The Secretary of State to the Swiss Minister (Sulzer)

The Secretary of State presents his compliments to the Minister of Switzerland, in charge of German interests in the United States, and has the honor to acknowledge the receipt of his memorandum of

¹The same, on the same date, to the Ambassador in Great Britain, No. 6192 (File No. 763.72114/3165e); to the Minister in Switzerland, No. 1307 (File No. 763.72114/3165f); to the Minister in the Netherlands, No. 894 (File No. 763.72114/3165g); and to the Minister in Denmark, No. 668 (File No. 763.72114/3165h).

January 8, 1918,¹ in connection with the receipt by the Legation of numerous inquiries from prisoners of war and interned persons in the United States, with regard to the question of sending small sums of money to friends or relatives who are held prisoners in various countries.

In reply the Legation is informed that the Department of State has, in principle, no objection to the transmission of limited sums of money to enemy prisoners in the Entente countries, but begs to suggest that applications in each case for the transmission of funds to enemy subjects be referred to the War Trade Board by the applicants themselves.

WASHINGTON, *January 15, 1918.*

File No. 763.72114/3187

The Swiss Legation to the Department of State

The Legation of Switzerland presents its compliments to the Department of State and has the honor to submit to the Department the text of the following cablegram received last evening from the Foreign Office at Berne:

[Translation]

Swiss Legation, Berlin, telegraphs that according to provisional verbal communication from the Foreign Office, American prisoners of war will not be treated differently from the prisoners of other states. An official statement in writing will follow.

As soon as the official written declarations of the German Government concerning the treatment of American prisoners of war mentioned in the foregoing cable are received, the Legation shall not fail to submit immediately the same to the Department of State.

WASHINGTON, *January 16, 1918.*

[*Received January 17.*]

File No. 763.72114/3240a

The Secretary of State to the Ambassador in Spain (Willard)

[Telegram]

WASHINGTON, *January 28, 1918, 7 p. m.*

850. You will at the earliest opportunity seek an interview with the Minister for Foreign Affairs and present to him the following note, reading it to him and requesting him to telegraph its contents to the Spanish Ambassador in Berlin together with such defi-

¹ Not printed.

nite instructions as will ensure the presentation of the contents of the note to the German Government with the earnestness and emphasis which the subject deserves.

I have the honor to inform Your Excellency that my Government has become deeply stirred by the reports which have reached it regarding the ill-treatment of American prisoners of war in Germany. Sporadic reports of this kind might be regarded as possibly unreliable, but when they continue to be received with ever increasing frequency and from a variety of sources, some of which are definitely known to be trustworthy, as is now the case, no doubt can remain in the mind of my Government as to the authenticity of the reports and the certainty that American prisoners in Germany are being treated in a manner utterly opposed to the practice of civilized nations.

My Government has recently learned of an American soldier who had been sent to Hameln weakened by excess of work in the salt mines. He had lost over 30 pounds from ill-treatment and lack of food and was incredibly thin. He had been punished inhumanly several times and was in a pitiable condition. At Charleville American prisoners have been made to perform work of a repulsive character not connected with the upkeep of a prison camp. The Americans there were furthermore insufficiently fed and clothed. From other sources my Government has learned of an American prisoner at Gütersloh being found in a starving and freezing condition.

At the camp at Holzminden it is reported that diseases are abundant and diverse in consequence of the crowded numbers and conditions which prevail in the camp; that the prisoners find the food insufficiently nutritive, scarce in quantity, and often very bad owing to the ingredients; that there is no recreation; that their food packages have arrived plundered and almost empty; that the sentinels inspired by the harshness and cruelty which prevail in that camp frequently and without any cause beat the prisoners, often without considering their weakened state of health; that complaints are not only useless but cause those who make them to be punished without consideration as to whether merited or not; that the commandant and physician administer harsh treatment to the prisoners with a real desire to make their condition more painful, and oblige them to work without taking into consideration that many of them are old or ill; that one German officer takes special delight in cruelty and inconsideration which are absolutely unjustified; and that under the present commandant the situation has become worse from day to day.

It is not the desire or intention of my Government to divulge its sources of information except as regards the complaints from the camp at Holzminden which were made by the prisoners to the representative of the Royal Spanish Embassy at Berlin on his visit of inspection on September 19, 1917. The Spanish inspector himself characterizes the treatment and condition of prisoners in that camp as deplorable. (In Spanish "bastante lamentable.")

My Government is furthermore exercised over the unexplained and interminable delays in obtaining lists of American prisoners, which have prevented the shipment of food parcels and have unquestionably caused serious suffering. American prisoners have been recog-

nized in group photographs published in the German periodicals and subsequently reproduced in the American press, long after their capture, whose names have never been communicated through the channels recognized by international custom.

In view of these intolerable conditions I am directed by my Government to ask Your Excellency to be good enough to telegraph immediate instructions to the Royal Spanish Ambassador in Berlin, in charge of American interests in Germany, authorizing and directing him to address a note to the German Government stating that the Government of the United States is unable to view this serious situation in any but the gravest light; that it now most solemnly requires and demands that the German Government immediately take such steps as will effectively guarantee to American prisoners in its hands, both in letter and in spirit, that humane treatment which by all the principles of international law and usage is to be expected from the Government of a civilized state and its officials; that the Government of the United States will with the utmost certainty hold the German Government responsible for any and every evasion of this requirement which it may have permitted in the past or which it may tolerate in the future; and finally that the Government of the United States cannot but regard with alarm the possible effect which these reports of the inhumane treatment of American prisoners in Germany, if continued, may exert upon public opinion in the United States, resulting in an almost certain demand from the people that retaliatory measures be visited upon the large number of German prisoners now held in my country.

You will ascertain and report by cable the date on which these representations are made to the German Government by the Spanish Ambassador in Berlin.

LANSING

File No. 763.72114/3267

The Chargé in Denmark (Grant-Smith) to the Secretary of State

[Telegram]

COPENHAGEN, *February 3, 1918, 5 p. m.*

[*Received February 4, 6.50 p. m.*]

1906. Department's unnumbered [668], January 8.¹ Danish Government agrees to the free transmission through Denmark of postal matter destined for prisoners of war. Text follows:

Monsieur le Chargé d'Affaires: Referring to the note of January 9, 1918, No. 773, I have honor to communicate that pursuant to transport rules laid down in the Hague regulations of 1907, article 16, and in the universal postal convention of 1906, article 2 [11], section 4, and in accordance with point of view taken by the Royal Danish Government in equal matters, all letters, money orders and objects of value as well as parcels destined for or in camps of prisoners or camps of concentration will be transmitted postage free

¹ See footnote 1, *ante*, p. 18.

to their destination. I avail myself of this opportunity to renew to you, Monsieur le Chargé d'Affaires, the assurance of my high consideration. Signed Erik Scavenius.

AMERICAN LEGATION

File No. 763.72114/3269

The Minister in the Netherlands (Garrett) to the Secretary of State

[Telegram]

THE HAGUE, *undated.*

[Received February 5, 1918, 7 p. m.]

2004. Your January 8.¹ Foreign Office states that Netherlands Government will pass free of postage letters and parcels to or from military and civilian prisoners of war.

GARRETT

File No. 763.72114/3285

The Chargé in Switzerland (Wilson) to the Secretary of State

[Telegram]

BERNE, *February 9, 1918, 11 a. m.*

[Received February 11, 5.20 a. m.]

2607. Department's 1307, January 8.¹ Swiss Government replies will gladly undertake free transmission for present of letters, money orders, and packages under 5 kilograms directed to American prisoners of war and interned civilians in Germany, Austria-Hungary, Bulgaria and Turkey although United States not a signatory of Rome postal convention.² Should number of packages increase greatly, postage of 25 centimes per parcel may be asked as already required from France, Great Britain, Italy, Germany and Austria-Hungary.

WILSON

File No. 763.72114/3289

The Ambassador in Spain (Willard) to the Secretary of State

[Telegram]

MADRID, *February 12, 1918, 10 a. m.*

[Received 8.55 p. m.]

1062. Department's 850, January 28, 7 p. m. Department's protest delivered to German Foreign Office 4th instant. German Min-

¹ See footnote 1, *ante*, p. 18.

² Reference is apparently made to the Universal Postal Convention signed at Rome May 26, 1906; but the United States *was* a signatory of this convention (35 Stat. 1639).

ister for Foreign Affairs states Germany always ready to examine complaints and give proper remedy. As to lists of American prisoners in Germany states a list sent some time ago, but that Government of the United States has not shown itself disposed to furnish lists of German prisoners in the United States. Referring to the Department's telegram of January 4, 3 p. m., 814, German Minister for Foreign Affairs states investigation was opened January 9 concerning unfounded reports about treatment of American prisoners.

WILLARD

File No. 763.72114/3296

The Swiss Minister (Sulzer) to the Secretary of State

Department of German Interests IX Prinz. 6

WASHINGTON, February 13, 1918.

[Received February 15.]

SIR: Referring to Your Excellency's note of December 1, 1917,¹ wherein you advised this Legation that, in the future, representatives of the Legation of Switzerland in conducting inspections of camps or stations in the United States where German prisoners are interned, could not be allowed the privilege of speaking to prisoners except in the presence of American officers, until the German Government should have agreed to observe reciprocity in permitting such conversations without witnesses, I have the honor to inform Your Excellency that, having duly advised my Government of these facts, I am now in receipt of a reply.

The Swiss Foreign Office has transmitted to this Legation a *note verbale* of the German Foreign Office, and an order of the German War Office, copies of which are enclosed,² in which Your Excellency will note that the privilege of conversation without witnesses with prisoners of war interned in Germany is accorded in the case of nationals of all countries, with the exception of those of France.

In view of this declaration of the German Government, I should esteem it a great courtesy if Your Excellency would have instructions issued whereby, in the future, representatives of this Legation, in conducting inspections of war prison camps, would have the privilege of speaking to prisoners without witnesses.

Accept [etc.]

For the Absent Minister of Switzerland

CARL P. HÜBSCHER

Secretary of Legation

¹ *Ante*, p. 15.

² Not printed.

File No. 763.72114/3331

The Chargé in Switzerland (Wilson) to the Secretary of State

[Telegram]

BERNE, February 25, 1918, 11 a. m.

[Received February 26, 8.35 p. m.]

2720. At the suggestion of Spanish Embassy, Berlin, recommend agreement be made with Germany similar in form to one made by French to effect that all court proceedings against American prisoners in Germany be reported to Spanish Embassy so that Embassy counsel for defense may be appointed whose fee would be paid out of American funds at disposal of Embassy. Spanish Ambassador considers it important that American Government be informed of proceedings by means of reports drawn up by attorneys. Delegate from Embassy would also be present at trials.

Specific case indicating above action was proceedings in February against Paul Nagel of Brandenburg camp who for attempt at escape in November was sentenced to six months' imprisonment because of destruction of the property in attempt. No counsel represented him on account failure to notify Embassy but legal procedure appears to have been followed. Report follows by mail.¹

WILSON

File No. 763.72114/3331

The Acting Secretary of State to the Chargé in Switzerland (Wilson)

[Telegram]

WASHINGTON, March 4, 1918, 4 p. m.

1557. Your 2720, February 25, 11 a. m. Inform Spanish Embassy, Berlin, that Department approves its suggestion that all court martial proceedings against American prisoners in Germany be referred to it so that it may appoint counsel for defense. Counsel's fee would be paid out of American funds at disposal of Embassy. Department will be glad to have this matter taken up immediately with German Foreign Office, and Government of United States will promise reciprocity in this respect provided German Government consents.

Department advised by War Department that rules governing punishment for attempted escapes by prisoners in force in the United States are as follows:

The punishment for a simple attempt to escape on the part of a prisoner of war, even if repeated, shall not exceed military confinement for a period of 14 days.

The punishment for such an attempt to escape combined with other punishable actions consequent upon or incidental to such attempt in respect of property, whether in relation to the appropriation or possession thereof, or injury thereto, shall not exceed military confinement for a period of two months.

¹ Not printed.

These rules are embodied in paragraph 7 of general agreement forwarded to you under cover Department's despatch of February 21.¹

Request Spanish Embassy to bring these rules to attention of German Government in connection with sentence of six months imposed on Paul Nagel at Brandenburg and request commutation of his sentence. Further request Embassy to inform German Government that unless Nagel's sentence is repealed or very materially reduced to conform with regulations in force in the United States, Government of United States will be obliged to treat with far greater severity than our present rule prescribes attempted escapes by German prisoners in the United States. Sentence of Lieut. Otto Portwich, who recently attempted to escape from Fort Douglas, Utah, now awaiting trial, will depend largely upon reply of German Government to above.

POLK

File No. 763.72114/3365

The Secretary of State to the Swiss Minister (Sulzer)

No. 160

WASHINGTON, March 18, 1918.

SIR: I have the honor to acknowledge the receipt of your note of February 13, 1918, in which you requested that instructions be issued whereby in the future representatives of the Legation in conducting inspections of war prison camps might have the privilege of speaking to the prisoners without witnesses.

In reply, I have the honor to inform you that in view of the statements contained in the enclosures to your note, the Government of the United States is willing to grant to the representatives of the Legation the privilege of conversing with German prisoners of war without the presence of witnesses. The War Department has revoked its previous instructions forbidding the privilege of unwitnessed conversation with German prisoners by representatives of the Swiss Legation.

Accept [etc.]

ROBERT LANSING

File No. 763.72114/3406a

*The Secretary of State to the Ambassador in Great Britain (Page)*²

[Telegram]

WASHINGTON, March 21, 1918, 4 p. m.

6976. Ascertain from Foreign Office whether American citizens enlisted in British Army or Navy who may be captured by German or Austrian forces will receive the same supplies in food and cloth-

¹ Post, p. 68.

² The same, *mutatis mutandis*, to the Ambassador in France, No. 3345, on the same date (same file number as above); and to the Ambassador in Italy, No. 1127, Mar. 22, 3 p. m. (File No. 763.72114/3544b).

ing from British Government as British prisoners of war, and whether in case of officers British Government will require that they be given same pay as British officer prisoners of war and will refund sums expended for such payments by German Government at end of war. Would notification by German Government to this Government that such prisoners were considered by it as American prisoners of war, as has already been done in certain cases, affect their status in relation to British Government? Further, would British Government consent to food parcels being sent to such American citizens by American Red Cross from stocks at its disposal in Switzerland in case requests of relatives in the United States should render such procedure desirable?

LANSING

File No. 763.72114/3413

The Minister in Switzerland (Stovall) to the Secretary of State

[Telegram]

BERNE, March 20, 1918, 5 p. m.

[Received March 23, 2.05 a. m.]

2902. Information received from German Army administration, dated February 6, through Spanish Embassy, Berlin, states captured soldiers and sailors can wear either uniform provided by own Government, or clothing furnished for prisoners by German Government, consisting of cap, coat, trousers, overcoat of dark color, necktie, and footwear. Clothing must be marked with stripe of brood [*khaki?*] material 10 centimeters wide on left upper arm of coat, stripe 5 centimeters wide on seams of trousers, and band on cap. Military prisoners may also wear civilian clothing of black material sent from home if materials as stated. Appropriate clothing provided for special occupations. No particular uniform required for civilian prisoners. Every prisoner wear own personal clothing. These regulations clothing noted in connection with uniforms to be sent to Berne for American prisoners.

STOVALL

File No. 763.72114/3425

The Minister in the Netherlands (Garrett) to the Secretary of State

[Telegram]

THE HAGUE, March 26, 1918, 8 p. m.

[Received 10.34 p. m.]

2209. A committee of Dutch and American men and women has been recently formed in Amsterdam for the purpose of sending food to American prisoners in Germany. Prospective shortage of food supplies in Holland leads committee to ask you whether arrange-

ments could be made for the supply of necessary things from the United States, the committee to bear all expense including purchase of supplies in the United States. Although they are aware that effective arrangements exist at Berne for supplying American prisoners, they claim that things can be gotten in sometimes quicker from Holland. Moreover, just at this moment when friendship for us is a heavy burden in Holland, it would seem unwise not to encourage in any way we can so fine an initiative as this. I ask your consideration, therefore, of the possibility of sending a few tons of supplies on the *New Amsterdam* consigned to the American section of the international work for prisoners of war, Amsterdam, or to this Legation. The committee especially desires rice, bacon, soap, coffee, and condensed milk.

GARRETT

File No. 763.72114/3425

The Secretary of State to the Minister in the Netherlands (Garrett)

[Telegram]

WASHINGTON, *March 28, 1918, 1 p. m.*

1062. Your 2209, March 26, 8 p. m. This Government fully appreciates the initiative of the Dutch-American committee formed for the purpose of sending food to American prisoners in Germany and desires you to express this appreciation in appropriate terms. At the same time you should definitely discourage it from carrying out this work. Complete arrangements have already been made by this Government for feeding American prisoners from the moment of their arrival in the prison camps, at first from supplies in the hands of the local camp committees and the Young Men's Christian Association and subsequently by food packages sent regularly by the American Red Cross-Central Committee for American Prisoners established at Berne. Any parallel attempt to carry out this work would result in confusion and reduplication which this Government particularly wishes to avoid.

LANSING

File No. 763.72114/3507

The Ambassador in France (Sharp) to the Secretary of State

[Telegram]

PARIS, *April 12, 1918, 6 p. m.*

[*Received April 13, 12.45 a. m.*]

3587. Your 3043, January 8.¹ Foreign Office note today states that in compliance with the universal postal convention, article 2

¹Ante, p. 18.

[11], paragraph 4, and different articles signed at Rome, May 26, 1916 [1906], French Postal Administration already allows transmission postage free of nonregistered mail of every description, letters of declared value, of postal orders to or from prisoners of war comprising interned civilians, notwithstanding origin or destination of despatches, whether belligerent, Allied or neutral countries. This regulation naturally applies to mail matter from or to United States. Regarding parcel-post packages Foreign Office refers to its letter transmitted in my telegram 3020, January 11.¹ To facilitate task of French postal service Ministry suggest that American Post Office forward mail matter for prisoners interned in enemy countries in special sacks addressed either to the French bureau at Pontarlier, "Service des Prisonniers de Guerre," or to a Swiss bureau which would be designated by mutual agreement between the two Federal Administrations, American and Swiss. Swiss office would also be requested to forward in special sacks to the French bureau mail addressed by prisoners to United States. Text letter by mail together with a note annexed thereto giving full details regarding postal service for prisoners of war as carried out in France pursuant to agreements reached with Swiss office acting as intermediary and indications from German office.

SHARP

File No. 763.72114/3542

The Ambassador in France (Sharp) to the Secretary of State

[Telegram]

PARIS, April 25, 1918, midnight.

[Received April 26, 7 a. m.]

3715. Your 3345, March 21, 4 p. m.² Have just received answer from Foreign Office in regard thereto stating that in so far at least as applies to American citizens serving in French Army captured before United States declared war upon Germany, they should receive from the German Government similar treatment to prisoners of French nationality in accordance with article 17 of Convention V of The Hague dealing with rights and duties of neutral powers and persons. From the text of this article it results that an American citizen with rank of officer in the French Army should if taken prisoner receive the same pay as his comrades of French nationality.

¹ *Ante*, p. 18.

² See footnote 2, *ante*, p. 25.

As to the attitude of the French Government, the latter considers itself bound to give American citizens fighting in its armies and who may be captured the same assistance as to its own nationals, notably as regards supplies. However, should the German Government decide to consider some among them as American prisoners, as suggested in the Department's telegram, it is to be feared that the said Government would deny them the benefit of the agreements reached by it with the French Government regarding the revictualing of prisoners of war, especially that of collective shipments of bread. Precise information on that point could doubtless be obtained through Spanish Embassy at Berlin if Federal Government will indicate the names of those American citizens regarding whom Germany has notified Washington. French Government might then, should Federal Government so desire, claim from German Government identical treatment for such prisoners to that of French prisoners of war.

Foreign Office adds that it would not object to American Red Cross in Switzerland assisting Americans captured while serving in French ranks. Text by mail.

SHARP

File No. 763.72114/3567

The Ambassador in Italy (Page) to the Secretary of State

[Telegram]

ROME, *May 1, 1918, 1 p. m.*

[*Received 9.05 p. m.*]

1564. Department's 1127, March 22, 3 p. m.¹ Translation of Foreign Office note received today states:

The treatment for American citizens incorporated in the Royal Army who may be captured by the enemy will be completely the same as that of Italian prisoners of war. The Royal Government will provide for their clothing and food in the measure adopted for Italian prisoners of war, and in case of officers, will cause them to receive their pay in the same manner as is practiced for Italian officer prisoners, to be reimbursed at the end of the war. Finally, parcels of food can freely be sent to American prisoners of war through the American Red Cross from the stocks which this organization has at its disposal in Switzerland.

NELSON PAGE

¹ See footnote 2, *ante*, p. 25.

File No. 763.72114/3593

The Minister in Switzerland (Stovall) to the Secretary of State

[Telegram]

BERNE, May 9, 1918, 6 p. m.

[Received May 10, 8.23 p. m.]

3315. Spanish Embassy, Berlin, transmits from German Army administration [communication] dated April 8, to the effect that [all privates] and noncommissioned officers of American Army, after being disinfected at temporary camp, will be concentrated at camp Tichel and no change to occur except in case of individuals assigned for work. American Navy men to be concentrated at Brandenburg. Document follows.¹

STOVALL

File No. 763.72114/3620

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, May 15, 1918, 5 p. m.

[Received May 15, 4.46 p. m.]

10070. Your 6976, March 21. Foreign Office informs me that British Government regard such prisoners in every respect as if they were British-born subjects and would not consider their status of belligerents as in any way affected by a notification on the part of enemy governments that they were considered as American prisoners of war. In connection with parcels outside food, an adequate allowance of food is regularly sent under official control to all British prisoners and despatch of supplementary parcels is considered undesirable and therefore prohibited. If, however, United States Government wish to forward extra supplies through American Red Cross to American subjects in British Army who have been made prisoners, British Government would not desire offer any objection.

PAGE

File No. 763.72114/3649

The Acting Secretary of State to the Minister in the Netherlands (Garrett)

[Telegram]

WASHINGTON, June 4, 1918, 5 p. m.

1385. Instruct all consuls in Holland to advise any American prisoner escaping from Germany that he should report as soon as

¹ Not printed.

possible to the American Military Attaché in London for a complete examination regarding conditions in Germany.

PHILLIPS

File No. 763.72114/3759

The Secretary of State to the Minister in Switzerland (Stovall)

[Telegram]

WASHINGTON, July 12, 1918, 4 p. m.

2280. Request Spanish Embassy at Berlin to bring the following note textually to the attention of the German Government.

The Government of the United States has been informed through a report by delegates of the Spanish Embassy at Berlin on the prison camp at Tuchel where American prisoners are detained, that the American prisoners were unable to take with them their clothing when they were transferred to this camp and that the leather boots of 18 of the prisoners were removed and shoes with wooden soles substituted. The Government of the United States is further informed that the American Red Cross—Central Committee for American Prisoners at Berne has sent to the camp at Tuchel 96 pairs of boots and that up to the present time only one boot has arrived. And furthermore, Spanish delegates who have visited the camp at Tuchel have reported that the commandant of that camp asserts that the boots were taken from the prisoners under orders of the Ministry of War.

In view of the fact that German authorities admit that this practice of despoiling American prisoners of their property is actually being carried out by orders of the German Government, the Government of the United States now most energetically protests against such deliberate violation of international practice and demands that these occurrences shall cease altogether and that the property already taken shall be immediately restored.

LANSING

File No. 763.72114A/29

The Minister in Switzerland (Stovall) to the Secretary of State

[Telegram]

BERNE, July 16, 1918, 1 p. m.

[Received July 17, 11 p. m.]

3967. Department's 1557, March 4, 4 p. m.¹ I am transmitting by mail a communication from German Foreign Office² stating that German Government is disposed to enter into same agreement with American Government regarding defense of prisoners of war under accusation as exists between British and German Governments and French and German Governments. The copy of *note verbale* from German Foreign Office to Netherlands Legation, Berlin, in charge of British interests, giving conditions of agreement, is enclosed.²

¹Ante, p. 24.

²Not printed.

As regarding punishment for attempted escape, German Government is prepared to reach agreement with United States Government and suggests that this question be taken up in proposed prisoners-of-war conference at Berne.¹

STOVALL

File No. 763.72114/3854

The Minister in Switzerland (Stovall) to the Secretary of State

[Telegram]

BERNE, July 24, 1918, 9 a. m.

[Received July 26, 1.40 a. m.]

4062. Swiss Government has informed American Red Cross and similar organizations of other countries that on and after August 1 Swiss Federal Railway Conference will charge half rates for the transport of foodstuffs hitherto carried free. Swiss Government bases this action on bad financial condition of Swiss railways and on its interpretation of article 16, paragraph 2 of annex of Hague convention regarding laws and customs land warfare referring to freedom from payment for carriage by government railways. Swiss Government refers to article 7 of same convention to the effect that prisoners of war must receive food, et cetera, from captor state equal to that furnished by that state to its own army and maintains that when a state, owing to great victualing difficulties is no longer in a position to feed its prisoners as it does its own troops and private or official aid associations undertake provisioning of prisoners with articles of prevailing necessity, these can no longer be considered as in the sense of article 16, but on the contrary must be looked upon as supplements to the more or less insufficient rations furnished by the captor state.

My British and French colleagues have telegraphed to their Governments for instructions and the French Ambassador proposes calling a meeting. Desire instructions as to whether I shall join in an objection to Swiss Government which I anticipate will be made. I shall endeavor to form estimate of cost involved and report further.

STOVALL

File No. 763.72114/3859

The Minister in Switzerland (Stovall) to the Secretary of State

[Telegram]

BERNE, July 25, 1918, 9 a. m.

[Received July 26, 9.46 p. m.]

4071. My 4062, July 24, 9 a. m. In a *note verbale* from Swiss Political Department to Legation received today, Swiss Government

¹ For final arrangements regarding these points see the agreement of Nov. 11, 1918, *post*, p. 103.

abandons position taken in communication to Red Cross mentioned in my telegram under reference, and requests the consent of interested governments to charging of half rates for transport of prisoners' supplies on Swiss railways, urging financial difficulties and onerous burden due to length of war.

Swiss Government mentioned fact that privately owned railways in prisoners' own country are in a position to charge for transport while government-owned railways in foreign country are prohibited from doing so under article 16 of annex to Hague convention regulating land warfare. The note expresses a hope that United States Government will meet wishes of Swiss Government in this matter.

STOVALL

File No. 763.72114/3868

The Minister in Switzerland (Stovall) to the Secretary of State

[Telegram]

BERNE, July 27, 1918, 4 p. m.

[Received July 27, 6.28 a. m.]

4104. My 4062, July 24, 9 a. m., and 4071, July 25, 9 a. m. I have received further communication from Swiss Political Department, stating that new measures regarding half rates for transport of consignments to prisoners of war will go into effect on August 1. A meeting was called this morning by British Legation and attended by representative of French Embassy, American, British, Italian, Belgian and Servian Legations, and of several relief organizations, at which it was decided to address notes to Political Department calling attention to fact that new measures affecting Hague conventions well [*were*] being put into effect before the Legations interested could hear from their Governments and requesting the Federal Council to postpone action until the replies of these Governments were received.

STOVALL

File No. 763.72114/3903

The Minister in Switzerland (Stovall) to the Secretary of State

[Telegram]

BERNE, August 5, 1918, 9 a. m.

[Received August 6, 10.55 p. m.]

4199. My 4062, July 24, 9 a. m., 4071, July 25, 10 a. m. [9 a. m.], and 4104, July 20 [27], 4 p. m. I have now received note from Political Department stating that Swiss Federal Council realized that consent of Governments interested was necessary before contemplated

charge of half rate for transport on Swiss Federal railways of gifts and relief in kind to prisoners of war could go into effect.

On the other hand, the Federal Council authorized the Federal railways to charge the half rate for transport from August 1 of this year of collective consignments of foodstuffs on the ground that these consignments could not be regarded as gifts but constituted in fact the partial provisioning of prisoners of war with articles of first necessity.

In inquiry at Political Department I was informed the expression "collective consignments" did not apply to the individual parcels sent to prisoners of war in large amounts by recognized relief organizations, which are regarded as gifts, but only to shipments in bulk of bread, grain and other foodstuffs of first necessity.

STOVALL

File No. 763.72114/3868

The Acting Secretary of State to the Minister in Switzerland (Stovall)

[Telegram]

WASHINGTON, August 10, 1918, 4 p. m.

2430. Your 4062, July 24, 9 a. m., 4071, July 25, 9 a. m., 4104, July 27, 4 p. m. and 4199, August 5, 9 a. m. Do not join with your colleagues of cobelligerent nations in any objection which may be made by them to Swiss Government regarding charges of half rates for transport of consignments to prisoners of war, but advise Department of attitude of your colleagues after they have received instructions from their respective Governments and state what action taken by them. If they inquire as to this Government's position in the matter, you may informally advise them that the United States does not regard the Hague conventions as applicable in the present war and that, in view of all the circumstances and bearing in mind the immense burden that this transportation imposes upon a small neutral state, it would seem reasonable to assent to a charge of half rates by the Swiss Government for this service. You may inform the Swiss Political Department that the United States Government is happy to be able to meet the wishes of the Swiss Government in this matter.

POLK

File No. 763.72114A/73

The Secretary of State to the Minister in Switzerland (Stovall)

[Telegram]

WASHINGTON, August 12, 1918, 3 p. m.

2431. Your 4158, August 1, 4 p. m.¹ Department authorizes you to request Spanish Embassy in Berlin to protest to German Govern-

¹ Not printed.

ment against the detention of American prisoners in so-called reprisal camps and to request that any American prisoners who are at present located in such camps be immediately transferred to some camp in the interior of Germany, preferably Tuchel, in view of the fact that German Government has officially stated that Tuchel is permanent camp for American prisoners.

LANSING

File No. 763.72114A/107

The Minister in Switzerland (Stovall) to the Secretary of State

[Telegram]

BERNE, August 15, 1918, 3 p. m.

[Received August 18, 1.49 p. m.]

4330. Department's 2431, August 12, 3 p. m. Have communicated with Spanish Embassy, Berlin, in the sense of Department's telegram but did not mention Tuchel as I now learn almost all American prisoners have been taken from Tuchel and the majority of American prisoners now appear to be concentrated at Rastatt which is not far from Karlsruhe. I stated to Spanish Embassy in addition—

- (1) That Legation requested that camp at Rastatt be visited soon as possible by representative of Spanish Embassy;
- (2) That as Germany has officially stated that American prisoners were being interned at Tuchel, Legation cannot understand why they are being transferred to Rastatt;
- (3) That as the Government of the United States desires that American prisoners be interned in camps in interior of Germany, the American Legation trusts that Spanish Embassy will be able to arrange for internment of these prisoners in a good camp situated in interior of Germany.

Department is aware of unsatisfactory conditions at Tuchel and I would suggest that choice of permanent camps for American prisoners in Germany be considered at Berne conference.

STOVALL

File No. 763.72114/3999

The Minister in Switzerland (Stovall) to the Secretary of State

No. 4190

BERNE, August 16, 1918.

[Received September 10.]

SIR: I have the honor to enclose herewith copy and translation of a *note verbale* from the German Foreign Office to the Swiss Legation in Berlin, transmitted by the Royal Spanish Embassy, Berlin, relative to photographs and fingerprints being taken of German officers who are prisoners of war.

I have [etc.]

PLEASANT A. STOVALL

[Enclosure—Translation]

*The German Foreign Office to the Swiss Legation at Berlin*III b 25166.

112464.

NOTE VERBALE

The Foreign Office has the honor to inform the Swiss Legation in answer to *note verbale* of April 19, that the sentiments of Captain Zuckschwerdt, as stated in his complaint to the Swiss Legation in Washington, are fully shared here: that the orders of the American Government that all prisoners shall be measured, photographed and their finger prints taken, are humiliating not only for officers but for all other prisoners of war and not in accord with the rules of the Hague convention for the treatment of prisoners of war.

The Foreign Office requests the Swiss Legation to support the appeal of Captain Zuckschwerdt to the American Government and protest strongly against putting prisoners of war on a footing with criminals, as in the case of the measurements and photographs referred to.

It is also requested that the American Government be informed that if this is not complied with, American prisoners in German hands or those who, in future, shall fall into their hands, will be treated in like manner and similar photographs and measurements taken.

BERLIN, July 24, 1918.

File No. 763.72114A/200

The Minister in Switzerland (Stovall) to the Secretary of State

[Telegram]

BERNE, September 27, 1918, 2 p. m.

[Received September 28, 10.02 p. m.]

4929. Legation's 4330, August 15, 3 p. m. and Department's 2431, August 1, 4 p. m. [August 12, 3 p. m.]. Spanish Embassy, Berlin, states according to information received from the German military authorities the American prisoners were transferred from Tüchel to Rastatt for agricultural reasons and that there are at Rastatt three camps, one each for officers, soldiers, and civilians.

STOVALL

File No. 763.72114A/215

The Minister in Switzerland (Stovall) to the Secretary of State

[Telegram]

BERNE, October 4, 1918, 9 a. m.

[Received October 6, 10.23 a. m.]

5031. My 4330, August 15, 3 p. m. German Government replies as follows:

There are no reprisal camps for prisoners of war in Germany. That many camps for prisoners of war are more exposed to the dangers of attacks by bombs, which are contrary to the rights of humanity, by enemy aviators in open cities, is no reason to intern prisoners of war in more protected places in the interior of Germany. The Governments of the enemy are in a position to protect their soldiers who are in German hands from such danger. The suggestion of the American League [*Legation*] at Berne must therefore be rejected.

The entire subject as to the advisability of a reciprocal arrangement looking to the removal of prisoners of war on both sides to places which could under no circumstances be exposed to air attack, was carefully considered in the preliminary meetings of the American commission in Paris. General Kernan and the entire commission decided that we could not limit ourselves to such an extent as probably [regards] the German prisoners in our hands and that we reserved the right to employ German prisoners in France wherever they may be most advantageously used 30 kilometers behind the fighting front. The subject is therefore not being discussed in the Berne conference, but if at any future date information should be received which would lead to the belief that American prisoners are being deliberately exposed in places of ostentatious danger as a measure of reprisal, I shall not fail to communicate such information to the Department.

STOVALL

File No. 763.72114/3999

The Secretary of State to the Minister in Switzerland (Stovall)

No. 2356

WASHINGTON, October 26, 1918.

SIR: The Department has received your despatch No. 4190 of August 16, 1918, transmitting a copy in original and translation of a *note verbale* from the German Foreign Office, relative to the protest of the German Government against the practice of taking photographs and fingerprints of German officers.

In reply, you are instructed to inform the German Government, through the appropriate diplomatic channels, that a report has been received from the Secretary of War stating that all officers of the United States Army are required by General Orders, No. 17, section IV, W. D., February 13, 1918, to have their fingerprints taken, the records to be filed with The Adjutant General of the Army. The purpose of this order is to insure greater accuracy of identification.

In the view of the War Department, the practice of taking fingerprints is not inhumane, humiliating, or disrespectful in the sense of putting American officers and soldiers on a footing with criminals.

With reference to the closing statement of the *note verbale* of the Foreign Office that if its protest is not heeded American prisoners in German hands will be treated in like manner and similar fingerprints and measurements taken, you are instructed to state that the War Department will not only not object to such action but will welcome it as being in keeping with its own policy.

I am [etc.]

For the Secretary of State:

FRANK L. POLK

File No. 763.72114A/268

The Secretary of State to the Minister in Switzerland (Stovall)

[Telegram]

WASHINGTON, November 5, 1918, 3 p. m.

3272. Your 5375, October 24, 1 p. m.¹ Department instructs you to request Spanish Embassy, Berlin, to protest vigorously to German Government against—

- (1) Forcing any American prisoners of war to work in mines;
- (2) Compelling any American prisoners of war to work while ill or not physically fit to do so;
- (3) Compelling any American civilian prisoners to work at all except in connection with their own care and upkeep and the care and upkeep of their own quarters.

Spanish Embassy should insist that American prisoners be immediately freed from labor in mines and from all work when physically unfit to work.

Spanish Embassy should also insist that the robbing and loss of parcels must cease. The United States Government is not disposed to accept attempts of German Government to throw blame of non-receipt of parcels upon agencies handling same prior to arrival in Germany.

Spanish Embassy should also insist that all American merchant marine officers at Brandenburg be removed to officers' camp and should call to attention of German Government that, despite fact German Government stated through the Prussian War Ministry that David Johnson would be transferred, he is still there according to latest information. It should also be brought to attention of German Government that German merchant marine personnel interned in United States only do work connected with their own care and upkeep and care and upkeep of their own quarters.

In view of the latter situation in this country, it is not considered advisable to protest against forcing Captain Oliver and Chief Mate Richardson to draw a cart in which parcels were taken to camp.

LANSING

¹ Not printed.

ARRANGEMENT FOR PAYMENT OF OFFICERS

File No. 763.72114/2738a

The Secretary of State to the Ambassador in Spain (Willard)

[Telegram]

WASHINGTON, June 12, 1917, 5 p. m.

524. Paraphrase for Berlin. Please ask Foreign Office to state intentions of German Government in regard to the pay of American naval and military officers who may be taken prisoners of war by German forces.

Please state to Foreign Office that, if the German Government will agree to take action on a reciprocal basis, this Government will grant to all German naval and military officers taken prisoners of war the same rate of pay as officers of corresponding rank in the United States Army. The money thus paid out will be entered as a charge against the German Government which will agree ultimately to refund such payments. Please cable reply of German Government as soon as possible.

LANSING

File No. 763.72114/3053a

The Acting Secretary of State to the Chargé in Spain (Wilson)

[Telegram]

WASHINGTON, November 17, 1917, 4 p. m.

753. Department's 524, June 12, 5 p. m. Since no answer received from German Government to proposition contained in above telegram, request Spanish Embassy, Berlin, bring following by telegraph to attention German Foreign Office:

Provided German Government will pay to officers of United States forces held prisoners of war by Germany the maximum rate that the German Government pays its own officers of corresponding rank, the Government of the United States will pay to officers of German military or naval forces now or hereafter prisoners of war of the United States forces an equivalent sum. The Government of the United States therefore requests that the German Government furnish it immediately with a statement of the maximum rates that it now pays its officers of all ranks. If the German Government is not disposed to accept this proposal or in any way to make reply thereto before December 15, the Government of the United States will feel itself obliged to discontinue payments now being made to German officers prisoners in the United States until an absolute assurance of reciprocity, in accordance with the above terms, is received.

In case of such assurance the money thus paid out will be entered as a charge against the German Government which must agree to refund such payments on a mutual adjustment of accounts at end of war.

POLK

File No. 763.72114/3124

The Ambassador in Spain (Willard) to the Secretary of State

[Telegram]

MADRID, December 22, 1917, 10 a. m.

[Received 10 p. m.]

942. Department's 753, November 17, 4 p. m. Spanish Ambassador, Berlin, reports German Government on 15th instant, through German Legation, Berne, sent note stating it was disposed to come to an agreement with Government of the United States concerning pay of prisoners of war and would send shortly a detailed reply to the American proposal.

WILLARD

File No. 763.72114/3163

The Secretary of War (Baker) to the Secretary of State

WASHINGTON, January 4, 1918.

SIR: I have the honor to acknowledge receipt of your communication of December 27, 1917,¹ concerning the report that the German Government has expressed its willingness to come to an agreement with the United States regarding the payment of commissioned officers held prisoners of war.

In the absence of any advice on this subject before December 15, instructions were issued to the commandants of the different war prisoner barracks to discontinue any such payments until some agreement relative thereto was concluded with Germany.

It is believed advisable to allow these instructions to remain in force until an agreement on this question is actually concluded, as the stoppage of any payments, to German officers held prisoners by us, will make it to the interest of their Government to facilitate action on this agreement.

The War Department can see no objection to a provision in this agreement that the pay decided upon shall take effect on the date that previous payments were discontinued, if such a provision is desired by the German Government.

Very sincerely,

NEWTON D. BAKER

File No. 763.72114/3315

The Secretary of State to the Chargé in Switzerland (Wilson)

[Telegram]

WASHINGTON, February 23, 1918, 5 p. m.

1488. Your 2672, February 19, 10 a. m.² Swiss Legation, Washington, has not received despatch of German Government regarding

¹ Not printed; see preceding telegram.² Not printed.

pay of officers. Please telegraph summary of important points of this despatch immediately.

LANSING

File No. 763.72114/3336

The Chargé in Switzerland (Wilson) to the Secretary of State

[Telegram]

BERNE, February 27, 1918, 10 a. m.

[Received February 28, 5.56 a. m.]

2735. Department's 1488, February 23. I did not cable proposals previously as original note of which copy received through Spanish Legation was sent by German Foreign Office to Swiss Legation, Berlin, with request for speediest possible transmission. Am now informed note was mailed from here February 16.

German note dated February 10¹ states willingness to conclude agreement. Suggests that same arrangements be made as concluded between British and Germans, dividing officers into two classes for the purpose of pay: one, subalterns; two, captains and higher grades. Class one to be paid \$83.35 and class two \$95.25 monthly, being 350 marks and 400 marks respectively at rate of 4.20. Account lower cost of living, American officer prisoners will need only in class one 160 marks, class two 250 marks, respectively. Under German-British agreements British officer prisoners in Germany paid less with consent of British Government than Germans in England and considered undesirable to allow American officers more than other Entente officers in Germany, but should America not agree, Germany notwithstanding doubtless willing to make payments equal to rates proposed above for Germans in America.

Payments not only to be made to active German officers but to interned Germans of military rank on leave, in reserve units, and in retirement. If any question, status to be decided by prisoner's own Government. German Government binds itself expressly to repay amounts paid under last categories after war.

Noncommissioned officers and privates entitled to free food, lodging and clothing. Germany would appreciate treatment of those in class three consisting of temporary officers and temporary officials of German Army and Navy, as well as naval engineer aspirants, naval paymaster aspirants, naval warrant officers and vice warrant officers, similar to that accorded to officers, and will assure reciprocity this regard. Such treatment would be including detention in special camps and payment of two-thirds of rates established as above

¹ Not printed.

for the class one. Sums so paid to be returned after end of war. Special regulations proposed for the class three as follows:

(1) Any prisoner supported by the state to receive only \$19.00 or 78 marks cash. Remainder to be kept by state which then is to supply quarters and food similar to that of maximum one above.

(2) If prisoner pays for own food, none of his pay to be taken by state and certain furniture and privileges to be provided, namely, bed with bedding, chair, cupboard or box with lock, table, washing utensils, tumbler, pail, sufficient light and heat, requisites for cleaning room.

(3) In case of hospital treatment two-thirds of pay to be kept by state, remainder to be paid prisoner and quarters and food similar those accorded regular officers.

(4) Privates of prisoners' nationality to be assigned as servants to prisoners class three.

WILSON

File No. 763.72114/3336

The Secretary of State to the Minister in Switzerland (Stovall)

[Telegram]

WASHINGTON, April 5, 1918, 6 p. m.

1728. Your 2735, February 27, 10 a. m. Request Spanish Embassy, Berlin, to convey to German Government the following statement in reply to the proposal contained in its *note verbale* to Spanish Embassy of February 10¹ regarding pay of officers:

The Government of the United States is disposed to accept the proposal of the German Government that for purposes of pay officers be divided into two classes:

(1) Navy—Lieutenants (junior grade), ensigns, chief warrant officers, warrant officers, and similar officers and warrant officers of Marine Corps.

Army—First and second lieutenants.

(2) Navy—All officers, line and staff of and above the rank of lieutenant (senior grade) and officers of the Marine Corps of corresponding assimilated rank.

Army—Captains and higher grade officers.

The Government of the United States desires also to include in class one all of the personnel enumerated in class three of the proposal of the German Government and will on assurance of reciprocity afford that personnel the same treatment and pay as the personnel enumerated above in class one.

The Government of the United States agrees on the basis of complete reciprocity to pay to the personnel of class one the equivalent of 350 marks at 4.20 or \$83.35 per month and to the personnel of class two the equivalent of 400 marks, at 4.20 or \$95.25 per month.

The Government of the United States agrees on the basis of complete reciprocity to pay interned Germans of military rank on leave,

¹Not printed; for summary of contents, see telegram from the Chargé in Switzerland, *supra*.

in reserve units and in retirement, in accordance with the rates specified above, provided the German Government certifies to the rank of such Germans in each case and adheres to the statement made in its note to the Spanish Embassy of February 10, 1918, to the effect that it expressly binds itself to refund sums so disbursed at the conclusion of the war.

The foregoing provisions shall apply to the personnel of the forces of the two countries who may now or may in future be in the hands of the Government of the other country.

The Government of the United States furthermore desires that there be no distinction made as regards the treatment and pay of officers, prisoners of war, who are in the active naval or military service of its forces, whether they be on the active, retired, or reserve list.

Provided the German Government accepts the modifications to its proposal as stipulated above the Government of the United States will be glad to learn whether the German Government desires that the German nationals who have been certified by it as being included in the personnel specified in classes one and two and who were interned by the Government of the United States prior to April 6, 1918 [1917?], be given pay retroactively to cover the period from that date forward in accordance with the above schedules, and whether the German Government will bind itself to refund at the conclusion of the war all sums so disbursed.

The foregoing may be considered as supplementary to section (a), paragraph 5, of general draft of agreement forwarded under cover of Department's despatch of February 21, 1918.¹

LANSING

File No. 763.72114A/74

The Minister in Switzerland (Stovall) to the Secretary of State

[Telegram]

BERNE, August 3, 1918.

[Received August 4, 9.34 p. m.]

4187. Department's 1728, April 5. Pay of officer prisoners of war. I have received following reply from German Government through Spanish Embassy:

The German Government agrees to the proposals of the Government of the United States of America relative to the pay of officers who have fallen into captivity on either side. The pay to be as follows:

(1) 350 marks or \$83.35 monthly—

(a) First lieutenants, lieutenants and feldwebelleutnants of the German Army; first lieutenants, lieutenants, halboberleutnants and halbleutnants of the German Navy.

¹ Post, p. 68.

- (b) First and second lieutenants of the American Army and the lieutenants (junior grade) of the American Navy.
- (2) 400 marks or \$95.25 monthly—
 - (a) Captains, rittmeister and higher grades of officers of the German Army; kapitänleutnants and captains, also the higher grades of officers of the German Army and the marine troops.
 - (b) Captains and higher grades of officers of the American Army; the officers of the American Navy with the rank of lieutenant (senior grade) and higher, as well as officers of the American Marine Corps of corresponding rank.

As regards the other grades referred to by the American Government as class three, for which the German Government had proposed two-thirds of the lower rate of pay for officers, while the American Government wishes to pay these grades on an equal footing with lieutenants, a definite decision is reserved which will shortly be made public. It is proposed that these grades be given in the meantime two-thirds of the pay of the lower grade and that the regular pay of officers be put in force immediately independent of this question.

These rates of pay apply to all officer prisoners of war, regardless of whether they are active officers, officers of the reserve grade, officers of disposition or retired, or whether they are retired officers of disposition, and it applies to the same class of officers who are interned as civilian prisoners and whose rank is certified by the government of the home state.

The German Government agrees that the pay to the amount now agreed upon shall be paid for the time already passed in imprisonment in so far as the payment has not taken place at all during this time or not to the amount of the rates now agreed upon. In paying these sums, however, such sums are to be subtracted which were paid temporarily by the protecting power to the officers in place of the pay they had not received, as well as the surplus amounts which were paid by the American Government to German officers beyond the rates now fixed. The German Government undertakes that these excess payments will be refunded after the conclusion of peace.

These payments now agreed upon will be ordered as soon as telegraphic information has arrived from the American Government that the regulations in question in the sense of the foregoing remarks have been made for the German officers in America.

STOVALL

File No. 763.72114A/188

The Secretary of State to the Minister in Switzerland (Stovall)

[Telegram]

WASHINGTON, *September 27, 1918, 4 p. m.*

3009. Your 4187, August 3. Your despatch No. 4070, August 6.¹ War and Navy Departments have agreed to make payments to the

¹ Despatch not printed.

categories of officer prisoners of war specified in the proposal of the German Government in accordance with the terms stated therein, pending a definite solution of this matter at the prisoners of war conference at Berne. The Department instructs you to request Spanish Embassy at Berlin to inform German Government to this effect. Advise Garrett.

LANSING

PROPOSED REPATRIATION OF SANITARY PERSONNEL

File No. 763.72114/2801a

*The Acting Secretary of State to the Minister in Switzerland
(Stovall)*

[Telegram]

WASHINGTON, August 4, 1917, 3 p. m.

815. Please inquire through Spanish Embassy, Berlin, whether the German Government is disposed to consider reciprocal release of sanitary personnel including medical officers, Red Cross nurses, stretcher bearers, etc., who are now or may in future be held as prisoners by either Government. A telegram to you to this effect was drafted some three weeks ago but does not appear, from the Department's records, to have been sent. Please inform the Department whether you received such a telegram.

POLK

File No. 763. 72114/2804

The Secretary of State to the Chargé in Switzerland (Wilson)

[Telegram]

WASHINGTON, October 26, 1917, 4 p. m.

1058. Department's 928, August [September] 17, 4 p. m.¹ Department still awaiting reply from German Government regarding reciprocal release sanitary personnel. This Government is ready to release members of German sanitary personnel held in this country and to request safe-conducts from British and French Governments as soon as favorable reply is received from German Government.

LANSING

File No. 763.72114/3846

*The Chargé in Switzerland (Wilson) to the Secretary of State
No. 1707*

BERNE, November 9, 1917.

[Received November 27.]

SIR: With reference to the Department's cipher telegram No. 1058 of October 26, concerning the proposal to be made to the German

¹ Not printed; see Department's telegram No. 815, Aug. 4, *supra*.

Government with respect to exchange of sanitary personnel, I have the honor to report that in accordance with my telegram No. 2017 of today's date¹ I am transmitting herewith enclosed copies and translation of the reply of the German Government, transmitted to me through the Royal Spanish Legation in this city and received today.

I have [etc.]

HUGH R. WILSON

[Enclosure—Translation]

The German Foreign Office to the Spanish Embassy at Berlin

III a 16782

The Government of the United States of America, through the Spanish Embassy in Berlin as intermediary, inquired of the German Government whether they were prepared to enter into an agreement by which the sanitary personnel of both sides, including sanitary officers, Red Cross nurses, etc., which are at present in the hands of one of the two states, or will in the future fall into their hands, are to be repatriated by both sides. To this the following should be noted:

The German Government as a matter of course holds the point of view of the Geneva convention of July 6, 1906, as well as that of the Hague convention of October 18, 1907, regarding the application of the principles of the Geneva convention to naval warfare. They will bring stipulations of these international agreements into execution according to their letter, as well as according to their spirit, towards the members of the sanitary personnel of the United States of America, and look forward to a statement of this kind by the Government of the United States.

According to article 9, paragraph 1, of the Geneva convention, the members of the sanitary personnel there mentioned, who fall into the enemy's hands, may not be made prisoners of war; according to article 12, they must be sent back to their army, or to their home country as soon as their aid can be dispensed with. Article 10 of the above-mentioned Hague convention contains similar stipulations regarding the clerical, medical and hospital personnel of captured vessels.

The German Government, therefore, proposes to the Government of the United States of America the repatriation of all sanitary personnel of army and of navy held by either state, or which will in future be held by either state, on the following basis:

Persons comprised under the class of sanitary personnel, according to articles 9 and 10, of the Geneva convention, to wit: doctors, pharmacists, male nurses, stretcher bearers, chaplains, officers of

¹ Not printed.

sanitary administration, members of recognized and authorized relief societies, as well as doctors' orderlies, administrative officers of the sanitary service, and similar persons will be repatriated; in accordance with article 14 of the convention also, the officers and other convoy personnel of movable sanitary formations, as well as the religious, medical and hospital personnel of captured ships as stipulated in article 10 of the Hague convention regarding the application of the principles of the Geneva convention to naval warfare.

Within the assumption that the Government of the United States of America will agree to the preceding propositions, the German Government expresses the expectation that the Government of the United States of America will repatriate the sanitary personnel of the crews of the interned German war vessels which have fallen into its hands, and have been interned by them, as well as the sanitary personnel of Tsing-Tau imprisoned by them at Hot Springs, North Carolina, and that it will grant them a safe-conduct for their return to Germany.

As regards the sanitary personnel of Tsing-Tau, it is pointed out that the British Government in article 15 of an agreement, of which a copy is enclosed,¹ with the German Government regarding war and civil prisoners, allows the return to Germany of the German sanitary personnel originally belonging to the German garrison in Tsing-Tau, and now in the United States of America, if the Government of the United States will allow this personnel the return to Germany. A roster of the German sanitary personnel of Tsing-Tau is annexed.²

As soon as the Government of the United States of America shall have accepted the above propositions and given its assurances for a safe-conduct for the repatriation of the German sanitary personnel to Germany, the German Government will allow the departure for America of the American sanitary personnel held by it at this time.

The German Government does this in the expectation that the repatriated persons, after their return, shall by both sides be used only for sanitary service and expects a statement on the part of the American Government assenting to this proposal.

The German Government furthermore adds an exhibit of the official position and pay of those who belong to the personnel described in article 9, of the Geneva convention, in the German Army beginning with the Surgeon General down.² According to article 13 of the Geneva convention, the rates of pay therein stated furnish the principles for the remuneration of the American sanitary personnel which has fallen into German hands. The German Govern-

¹ Not found in files.

² Not printed.

ment on its part looks forward to the communication of a similar statement regarding the official position and pay of American sanitary personnel.

Finally, the German Government proposes to the Government of the United States to repatriate the doctors and clergymen held by both sides, even if they do not belong to the military or naval sanitary personnel, and, therefore, do not fall under the propositions of articles 9 and 10 of the Geneva convention, or of article 10 of the above-mentioned Hague convention. The American Government would have to give assurances for the safe-conduct for the return to Germany of the German personnel concerned. Such persons as would have to be repatriated according to this stipulation would also be allowed to be employed only in sanitary service after their return.

File No. 763.72114/3559a

The Secretary of State to the Minister in Switzerland (Stovall)

[Telegram]

WASHINGTON, April 24, 1918, 7.55 p. m.

1800. Your despatch No. 1707, November 9, 1917. Request Spanish Embassy, Berlin, to transmit to German Government the following reply of the Government of the United States to the Imperial German Government regarding the repatriation of the military and naval, sanitary or spiritual personnel of the United States and Germany.

With reference to the reply of the Imperial German Government to the inquiry of the Government of the United States as to the attitude of the German Government with respect to the repatriation of the military or naval, sanitary or spiritual personnel of either state now held, or hereafter to be held, by the other, the Government of the United States submits the following:

The Government of the United States, while it does not consider the provisions of the Geneva convention of 1906, or of the Hague Convention No. X of 1907, as binding on the United States in the present war, is, nevertheless, willing by agreement to adopt, as a *modus vivendi*, the principles laid down in articles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22, and 23 of the Geneva convention and articles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, first two paragraphs, 11, 12, 13, 14, 15, 16, and 17 of the Hague convention, on the basis of complete reciprocity by the German Government subject, however, to the following stipulations:

(1) Instead of the allowances and pay provided by article 13 of the Geneva convention of 1906, and the third paragraph of article 10 of the Hague Convention No. X of 1907, each Government will secure to the personnel of the other referred to therein,

and remaining in its power, the same allowances and pay that the German Government furnishes persons of corresponding grade or rank in its own Army or Navy.

(2) The persons included in the sanitary or spiritual personnel under articles 9 and 10 of the Geneva convention of 1906, namely, male and female nurses, doctors, pharmacists, stretcher bearers, chaplains, officers of sanitary administration, doctors' orderlies, administrative officers of the sanitary service, and similar persons, the personnel of such voluntary aid societies as either state may have recognized and authorized and whose names have been duly notified to the other state; and the officers and other conducting personnel of movable sanitary formations mentioned in article 14 of said convention, as well as the religious, medical and hospital staffs of either sex of captured ships, referred to in article 10 of the Hague Convention No. X of 1907, now held, or who may hereafter be held by either state, shall be repatriated when their assistance is no longer indispensable to the immediate care and treatment of the prisoners of war taken by the forces of the other state; and such repatriated personnel shall not, after their return, be employed by their own Government in other than the capacities in which they were engaged.

As soon as the Government of the United States shall have been notified that the German Government accepts the above propositions and is taking steps for the release of the sanitary and spiritual personnel of the American forces in its power, it will proceed to take steps to effect the repatriation of the sanitary personnel of the crews of the interned German war vessels which are now in its hands, as well as the sanitary personnel from Tsing-Tau.

The Government of the United States is not disposed to comply with the proposal of the German Government that there be included within the contemplated arrangement the doctors and clergymen held by both states when such doctors and clergymen do not belong to the military or naval, sanitary or spiritual personnel.

Further request Spanish Embassy to inform German Government that a statement indicating corresponding ranks of the American and German sanitary personnel follows by mail.¹

LANSING

File No. 763.72114/4061

The Minister in Switzerland (Stovall) to the Secretary of State

[Telegram]

BERNE, *September 30, 1918, 2 p. m.*

[*Received October 2, 9.40 a. m.*]

4968. International Red Cross, acting under the Geneva convention, recently requested competent German authorities to restore

¹ Not printed.

American sanitary personnel in Germany and received report to the effect that, as Government of the United States does not regard the Geneva convention binding upon repatriation of prisoners in question, [German Government] cannot accept it in the absence of a special agreement. This action by Geneva Red Cross was unknown to the best of our knowledge.

International Red Cross now writes as follows:

You will allow the International Committee of the Red Cross, who consider themselves as the advocates of the principles on which the convention is based, to express to you their astonishment. The Geneva convention is the statute on which the Red Cross is based.

The American Red Cross, this gigantic institution, in its international action, is rooted in this convention, and therefore we cannot well understand how today America says that the convention is not binding upon her.

At present, there are only such states as Liberia and Costa Rica among the belligerents who have not signed the convention, and certainly they play an insignificant part in the present war. Therefore we cannot help thinking that America's action is a dangerous precedent. As for us it would prevent us from doing anything in favor of her prisoners, since in all the cases in which we have interfered we always availed ourselves in our requests of the conventions of Geneva and The Hague.

All the belligerents, especially the great powers, have always insisted on the principle of the Geneva convention being enforced and the newly made agreements between them on prisoners have taken the convention as base.

We should be thankful to Your Excellency to let us know whether America maintains her point of view concerning Geneva convention.

STOVALL

File No. 763.72114/4061

The Secretary of State to the Minister in Switzerland (Stovall)

[Telegram]

WASHINGTON, November 2, 1918, 3 p. m.

3259. Your 4968, September 30, 2 p. m. Department has never received reply from German Government in answer to proposal contained in its 1800, April 24, that certain provisions of the Geneva convention of 1906 and of the Hague Convention No. X of 1907 be by agreement adopted as a *modus vivendi* by the Governments of Germany and the United States as outlined in Department's telegram under reference.

You may inform the International Committee Red Cross that this Government does not consider Geneva convention binding in present war on account provisions of article 24 thereof, and because all belligerents not signatory to convention. Similar interpretation has been consistently given to Hague conventions since beginning of war in 1914.

Department believes objections of Red Cross may be removed by having the conference consider whole matter mentioned in Department's 1800 as well as relations of Red Cross to prisoner work with view to reaching agreement thereon.¹

Ask Herter² to inform Department whether its 1800, April 24, was not prepared with knowledge and assent of Red Cross here. Department has no record of correspondence but understands matter was discussed orally with officers of Red Cross before Department's 1800 was sent.

LANSING

DISPOSITION MADE OF PRISONERS CAPTURED BY AMERICAN FORCES

File No. 763.72114/3221

The Secretary of the Navy (Daniels) to the Secretary of State

WASHINGTON, *January 22, 1918.*

SIR: In reply to your letter of December 29, 1917,³ in which you inquire whether it is the intention of the Navy Department to send to the United States for internment all prisoners captured by United States naval forces, I have the honor to inform you that the Navy Department can only affirm what it believes the Government's policy should be. It will be guided in its method of procedure with regard to prisoners of war by the rules which are finally established by our Government.

The Navy Department believes, however, that our Government should reserve the right to send to the United States for internment all prisoners captured by United States naval forces if it is believed to be a proper policy to do so, or, if adequate arrangements can be made with other cobelligerents, that our prisoners might remain in their territory. But it distinctly believes that we should not sacrifice our rights in the matter for the sake of whatever reprisals we might fear. It may be a military necessity, in case the number of prisoners taken were large, that the prisoners be not allowed to remain on the Continent as it makes so many more useless mouths to feed, and the services of our transports could be requisitioned to bring these prisoners to the United States on their return voyages.

While, in the interests of humanity, reprisal is an act which the Navy Department would only advocate as a last resort, yet it must be borne in mind that this Government has at its disposal a weapon

¹ For final arrangement regarding sanitary personnel see agreement of Nov. 11, 1918, *post*, p. 103.

² Christian A. Herter, Special Assistant to the American Minister in Switzerland.

³ Not printed.

which is quite as efficacious as any which Germany may be able to bring to bear upon any of our prisoners, and although military expediency may cause Germany to undertake acts of reprisal against our forces taken prisoners by them in the hope possibly of increasing the logistic burden forced upon our shoulders by the necessity of feeding all forces at the front, yet it is believed that if we take a firm stand in the matter, the balance of power lies in our hand and that this fact will have its weight with Germany.

Sincerely yours,

JOSEPHUS DANIELS

File No. 763.72114/3322

The Secretary of War (Baker) to the Secretary of State

WASHINGTON, February 21, 1918.

SIR: With reference to previous correspondence on the subject of the disposal of prisoners of war,¹ I have the honor to advise you as follows:

On January 4, 1918, the following cablegram was sent to General Pershing:

The Secretary of State has asked whether it is the intention of the War Department to send to the United States for internment all prisoners captured by the United States military forces rather than to surrender jurisdiction over such prisoners to another belligerent or to a neutral. Extreme caution in this matter will be necessary lest the German Government make reprisals. It is understood that Germans captured by the British forces have been loaned to the French Army for railway work behind the lines and the German Government has threatened to retaliate by sending an equal number of British prisoners to Bulgaria or Turkey. The Secretary of War desires you to study this matter with great care and cable your recommendations. If our prisoners could be held under our own military jurisdiction it might be more desirable to retain them in France. If this number is small we can probably bring them to the United States without much difficulty. If the number should be large it would presuppose very active military operations which would probably tax to the utmost the capacity of the railroads bringing your ammunition, food and other supplies and it might be impossible to count on sending them in large numbers to the seacoast. Report your views as promptly as possible.

A reply to this cablegram has been received from General Pershing, reading as follows:

With reference to your cablegram 592, questions at issue relative treatment prisoners of war present many phases which can only be settled by diplomatic negotiations through State Department. Such as, for example, pay due enemy officers and soldiers, privileges, gen-

¹Not printed.

eral treatment, mail and package facilities, repatriation those disabled under certain medical classifications as to officers and non-commissioned officers and soldiers. Internment in neutral countries same categories, same reasons. Application Geneva convention as to payment and repatriation captured sanitary personnel. In this latter connection understood that in this war, on account physical difficulties, belligerents have never returned captured sanitary equipment. What constitute sanitary personnel, is question arisen here and will arise in our country connection with band personnel used in evacuation wounded, et cetera. Questions apt to arise as to status our sanitary corps whether combatant personnel or not, et cetera.

Prisoners of war should be utilized here as laborers under our own jurisdiction, although shipping some prisoners of war to United States might be advantageous later in prevention of U-boat attacks provided we can accomplish same without reprisals. Complete records all altercations between English, French and belligerents known to be on record in our State Department. Recommend these be carefully studied by representative Judge Advocate General's Department and that negotiations be entered into through neutral representatives with belligerents, so that altercation all points may be made and understood before any great number prisoners of war taken.

After consideration of the subject the War Department is of the opinion that prisoners of war should be kept behind our own lines, and that they should be guarded by our troops, unless their number should become so great that this disposition would prove to be impracticable. In this connection information is requested as to whether any agreement has been made with the German Government regarding rules governing the disposal by one belligerent of the prisoners taken from the other belligerent. If no such agreement has been made, information is requested as to whether any such agreement is necessary.

Information is also requested as to whether any further action by the War Department, in regard to the disposal of prisoners of war, is necessary.

Yours very truly,

NEWTON D. BAKER

File No. 763.72114/3355

The Secretary of the Navy (Daniels) to the Secretary of State

WASHINGTON, March 4, 1918.

SIR: There is forwarded herewith a paraphrase of a cablegram dated March 1, 1918, from Vice Admiral Sims, U. S. Navy, giving the substance of a letter received by him from the British Admiralty in regard to the disposition of prisoners of war captured by United States naval forces in European waters.

I have the honor to request the opinion of the Department of State on the subject matter, in order that early action may be taken by the Navy and War Departments.

Sincerely yours,

JOSEPHUS DANIELS

[Enclosure—Telegram—Paraphrase]

Vice Admiral Sims, Commanding Naval Operations in European Waters, to Admiral Benson, Chief of Naval Operations

No. 4549 *re* my No. 4048. The following is the substance of letter received from the Admiralty:

In regard to this matter, after consulting with the Army Council their lordships have come to the conclusion that the most satisfactory course will be to regard such prisoners of war as entrusted to British custody temporarily, in order that it may be possible at any time to transfer them to the United States if such a course is considered advisable. If this arrangement be adopted, any prisoner who may be handed over to the British authorities by the United States naval forces will receive the same treatment and privileges as other prisoners of war in British hands, but will not be entitled to arrangements by any agreements concluded by His Majesty's Government and enemy governments for the repatriation, exchange or internment in a neutral country of prisoners of war. Further, as such prisoners will be accounted as captures made by the United States naval forces by whom they are entrusted for the time being to the British authorities, it would appear necessary that notification of their capture to the enemy, prescribed by article 14 of the fourth Hague convention, should be made by the original captor and not by His Majesty's Government. At any time subsequent, arrangements could then be made to transfer such prisoners to the United States, should a request to that effect be received. As it appears to their lordships to be of importance to obtain the concurrence of the United States Government in any arrangement respecting the custody and disposal of prisoners of war captured by the United States naval forces, they are causing a copy of the correspondence in regard to this matter to be communicated to the "Prisoners of War Department" with the request that steps may be taken to ascertain through the diplomatic channels whether the United States Government are in agreement with the procedure which it is proposed to adopt.

Am orally informed by the Admiralty, with respect to notification, that the German Government was furnished with a list of names of these prisoners by the British authorities shortly after capture. No mention was made as to the nationality of forces making capture, in transmitting the list, nor details thereof. Omission of such mention is in accordance with general practice. 06101.

SIMS

File No. 763.72114/3322

The Secretary of State to the Secretary of War (Baker)

WASHINGTON, April 17, 1918.

SIR: I have the honor to acknowledge the receipt of your letter of February 21, 1918, in which you quoted certain telegraphic correspondence with General Pershing on the subject of the disposal of prisoners of war and you request information as to whether any agreement has been made with the German Government regarding rules governing the disposal by one belligerent of the prisoners taken from the other belligerent. You also inquire whether any further action by the War Department in regard to the disposal of prisoners of war is necessary.

In reply I beg to call your attention to article 24 of the treaty of 1799 with Prussia, revived by the treaty of 1828, which is now regarded as in force. This article is as follows:

And to prevent the destruction of prisoners of war, by sending them into distant and inclement countries, or by crowding them into close and noxious places, the two Contracting Parties solemnly pledge themselves to the world and to each other, that they will not adopt, any such practice; that neither will send the prisoners whom they may take from the other into the East-Indies, or any other parts of Asia or Africa, but that they shall be placed in some parts of their dominions in Europe or America, in wholesome situations; that they shall not be confined in dungeons, prison-ships, nor prisons, nor be put into irons nor bound, nor otherwise restrained in the use of their limbs; that the officers shall be enlarged on their paroles within convenient districts and have comfortable quarters, and the common men be disposed in cantonments open and extensive enough for air and exercise, and lodged in barracks as roomly and good as are provided by the party in whose power they are, for their own troops; that the officers shall also be daily furnished by the party in whose power they are, with as many rations, and of the same articles and quality, as are allowed by them either in kind, or by commutation to officers of equal rank in their own army; and all others shall be daily furnished by them with such ration as they shall allow to a common soldier in their own service; the value whereof shall be paid by the other party on a mutual adjustment of accounts for the subsistence of prisoners at the close of the war; and the said accounts shall not be mingled with, or set off against any others, nor the balances due on them, be withheld as a satisfaction or reprisal for any other article, or for any other cause real or pretended, whatever. That each Party shall be allowed to keep a Commissary of prisoners of their own appointment, with every separate cantonment of prisoners in possession of the other, which commissary shall see the prisoners as often as he pleases; shall be allowed to receive and distribute whatever comforts may be sent to them by their friends, and shall be free to make his reports in open letters to those who employ him: but if any officer shall break his parole, or any other prisoner shall escape from the limits of his cantonment after they

shall have been designated to him, such individual officer or other prisoner, shall forfeit so much of the benefit of this Article, as provides for his enlargement on parole or cantonment. And it is declared, that neither the pretence, that War dissolves all treaties, nor any other whatever, shall be considered as annulling or suspending this and the next preceding Article; but on the contrary that the state of War, is precisely that for which they are provided, and during which they are to be as sacredly observed as the most acknowledged articles in the Law of nature and nations.

This Government, in the opinion of the Department, should comply with the foregoing treaty stipulation as nearly as the transportation facilities will allow, as it provides that prisoners "shall be placed in some parts of their dominions in wholesome situations." No reference is made in this article to the surrender of prisoners of war to an ally. If this were done, it is clear that our obligations under the treaty as to the housing and care of prisoners of war might not be carried out by the ally cobelligerent.

Aside from this treaty, prisoners of war appear to be cared for according to the individual views of the belligerents or under special agreement. In the Crimean War Great Britain and France, then allies, agreed to divide prisoners of war as far as possible equally between the two countries. Any such agreement now between us and the cobelligerents would, of course, be subject to the stipulations of our treaty with Prussia.

It is believed, therefore, that the plan of sending to the United States the prisoners of war captured by our military and naval forces to be retained here is the proper course to follow as Germany might insist that under the treaty they should be returned to the United States. While they are retained abroad, consideration must of course be given to the provision contained in the proposed agreement with Germany, with which you are familiar, that "at no time shall prisoners of war be required to work within twenty miles from the front."

It, therefore, appears that the details of the transportation of prisoners of war taken by the United States Army should be worked out by the War Department in accordance with the treaty stipulations mentioned above.

The foregoing information and opinions, so far as they apply to the Navy, have been brought to the attention of the Secretary of the Navy.

I have [etc.]

ROBERT LANSING

File No. 763.72114/3714

The Secretary of War (Baker) to the Secretary of State

WASHINGTON, June 14, 1918.

SIR: Referring to recent correspondence between the State Department and the War Department with reference to bringing to this

country the German prisoners of war captured by our troops, the following cablegram has been received from General Pershing:

In view of the fact that labor situation here has necessitated our asking French and British for use of their prisoners of war, the wisdom of our sending prisoners home will probably be questioned by French unless good reasons for our action can be advanced. Request that subject be considered from that standpoint. The same objection does not hold with reference to officer prisoners of war who could be sent to America for internment. Arrangements now completed with British and French for transfer to us of all prisoners of war captured by our forces.

I would be very glad to have the views of the State Department upon this subject from point of view suggested by General Pershing.

Very truly yours,

NEWTON D. BAKER

File No. 763.72114/3714

The Secretary of State to the Secretary of War (Baker)

WASHINGTON, June 21, 1918.

SIR: I have the honor to acknowledge the receipt of your letter of June 14, 1918, in which you quote a telegram from General Pershing respecting the wisdom of sending to the United States all prisoners of war captured by our forces, and request an expression of the views of the Department of State on this subject.

In reply I beg to inform you that article 24 of the treaty of 1799 with Germany, contains the only provisions with respect to the treatment of prisoners of war captured by the respective states, applicable at the present time. Aside from the provisions of this article, the question of the retention in Europe of German prisoners of war captured by our forces, would appear to be largely one of expediency.

While, under a strict interpretation of article 24 of the above treaty, the contracting parties might be required to place the prisoners of war captured from each other in some part of their respective territories, I am of the opinion that the retention of German prisoners of war by our forces in a country in Europe in which they happen temporarily to be located, would accord with the spirit of the treaty of 1799, if not entirely with its terms, and that as long as such prisoners are retained by our forces and are not surrendered to our cobelligerents, and are otherwise accorded the treatment provided for by article 24, it is improbable that any objection would be raised to their retention in Europe. I should add, however, that in case Germany should claim a violation of the treaty by the retention of German prisoners by our forces in Europe,

and retaliate in some manner, the United States may find it necessary to comply strictly with the terms of the treaty.

I have [etc.]

ROBERT LANSING

File No. 763.72114/4070a

The Secretary of State to the Swiss Chargé (Hübscher)

The Secretary of State presents his compliments to the Chargé d'Affaires *ad interim* of Switzerland, in charge of German interests in the United States, and has the honor to advise him that certain information has been received relative to German prisoners captured by the American forces in France, which information is transmitted herewith for the benefit of the Chargé d'Affaires.

The central prisoners-of-war enclosure is now at St. Pierre de Corps, from which the prisoners, other than the officers, are sent out to near-by points as may be necessary. The officers are sent to a prison camp in the same neighborhood.

Arrangements have been made with the American Red Cross Commissioner for Switzerland to have all package mail and inquiries regarding both officers and soldiers who are prisoners of war sent to the Prisoners of War Inquiry Bureau, Central Records Office, Tours, France, A.P.O. 717, to be forwarded from there to their destination.

WASHINGTON, *September 5, 1918.*

File No. 763.72114/4090

The Acting Secretary of War (Crowell) to the Secretary of State

WASHINGTON, *September 12, 1918.*

The Acting Secretary of War presents his compliments to the Honorable the Secretary of State and has the honor to submit the following copy of cablegram received from General Pershing:

Subparagraph F. Reference A-1604, paragraph 3, and P-1266, paragraph 2B, French Government recommends sending our enemy officer prisoners of war to the United States. I recommend the adoption of this as a policy. Under treaty of 1799 they do not work and their maintenance here involves unnecessary use of guards, lodging, and subsistence. We have 16 at Brest ready to send. More ready soon. Advise if you approve and when you will be ready to receive them. Suggest initial provision in United States for 100. Pershing.

Your recommendations on the above are requested.

File No. 763.72114/4090

*The Secretary of State to the Secretary of War (Baker)*WASHINGTON, *September 18, 1918.*

SIR: I have the honor to acknowledge the receipt of a memorandum dated September 12, 1918, from the Acting Secretary of War (O.C.S., E.D.) submitting a copy of a telegram received from General Pershing recommending that enemy officer prisoners of war, captured by the forces of the United States, should be sent to the United States. In the memorandum under acknowledgment, my recommendations are requested with reference to the action as proposed.

In reply, I have the honor to inform you that so far as German enemy officer prisoners of war are concerned, and I assume that this is the class to whom your action would apply, I perceive no objection to their being brought to this country to be held as prisoners of war here, under the terms of article 24 of the treaty of 1799 between the United States and Prussia (revived by article 12 of the treaty of 1828) in which it is provided that prisoners of war taken by one party from the other "shall be placed in some parts of their dominions in Europe or America, in wholesome situations." It is clear that under this express provision, German enemy officer prisoners of war can be sent to the United States, if that is considered desirable.

As far as officer prisoners of war captured from Austria-Hungary by the forces of the United States are concerned, it is probable that they also can be sent to this country in the absence of any treaty restriction.

I shall be pleased to be informed by you if you decide to take the course indicated, and also to be advised as to the numbers of enemy officer prisoners thus brought into this country and the camps in which they are placed.

I have [etc.]

For the Secretary of State:

WILLIAM PHILLIPS

Assistant Secretary

File No. 763.72114/4041

*The Secretary of War (Baker) to the Secretary of State*WASHINGTON, *September 24, 1918.*

The Secretary of War presents his compliments to the Honorable the Secretary of State and has the honor to acknowledge the receipt

of his letter of September 18, in which it is stated that there is no objection on the part of the State Department to officer prisoners of war taken by the American forces being brought to the United States.

This matter is now before the conference at Berne, Switzerland. You will be informed of the final decision as to the disposition of these prisoners, after the report of this conference has been received.

**THE AMERICAN-GERMAN CONFERENCE AT BERNE: AGREEMENT
OF NOVEMBER 11, 1918**

File No. 763.72114/2800a

*The Acting Secretary of State to the Minister in Switzerland
(Stovall)*

[Telegram]

WASHINGTON, August 3, 1917, 5 p. m.

813. The Department considers that the time has now arrived to enter into an agreement with the German Government formally announcing the American Prisoners Central Committee at Berne as a relief society, and requesting for that society and its duly accredited agents facilities for the efficient performance of its humane task within the bounds imposed by military necessities and administrative regulations. This agreement should further define the contents of food and comfort packages and the method for forwarding and delivery of the same as proposed by the Committee. As these are matters which depend largely upon the local conditions at Berne and the size and scope of the Committee's organization, the Department will be glad to have the Committee prepare and cable as soon as possible the substance of a tentative agreement to be submitted by the Department to the German Government.

As the American Prisoners Central Committee has now been definitely settled upon as the intermediary for war prison relief, the War Department recommends that representatives of the Committee be accredited to the Staff of the Commanding General, United States Expeditionary Forces, to the Quartermaster General, and at such other points as these two may deem necessary. This liaison is deemed necessary to insure the administration of the affairs of the Committee working in harmony with military operations. Please cable to the Department the names of such representatives as the Committee may be in a position to accredit to the military centers mentioned. The Red Cross in Washington informs the Department that they are in a position to supply such representatives if desired.

The War Department further suggests that pending the uncertain period when an assured supply of food can be furnished by the Committee, a number of army rations, the components and exact

number to be determined later, be dispatched to Berne from the United States, consigned to our Military Attaché for transfer by him to the Committee, these rations to be repacked by the Committee and forwarded to American war prisoners in Germany; and that thereafter shipments of rations to be determined by the Commanding Officer of United States Expeditionary Forces be made to the Committee at Berne to insure a supply of rations on hand at that point. The Department will be glad to have the views of the Committee in this connection.

Finally, the Department desires an expression of opinion as to the extent to which the Young Men's Christian Association should be asked to cooperate with the American Red Cross in procuring and shipping packages of food to American prisoners of war in Germany. The Red Cross has expressed its readiness to undertake this entire work and is recognized as an authorized auxiliary organization to the Army, but on the other hand it may be considered that the Young Men's Christian Association have greater facilities for carrying out the actual distribution of the packages through their neutral representatives in Germany and that cooperation between the two organizations, possibly with territorial apportionment, is desirable.

The Department will be glad to receive from the Committee a comprehensive and detailed statement of its views and recommendations covering each of the above-mentioned points. Castle¹ has not yet arrived.

POLK

File No. 763.72114/2846

The Minister in Switzerland (Stovall) to the Secretary of State

[Telegram]

BERNE, August 24, 1917, 4 p. m.

[Received August 26, 5.10 p. m.]

1510. Your 813, August 1[3], 5 p. m. Committee recommends that any agreement with German Government should reaffirm chapter 2, section 1, of annex to Hague convention of 1907 and also incorporate in whole or greater part agreement provisionally concluded last month between England and Germany, of which copies forwarded Department by last mail.² Special emphasis may well be laid on following points:

- (1) Immediate notification of capture to American Red Cross, Berne, to be permitted to each prisoner (similar privileges have not hitherto invariably been allowed).

¹ William R. Castle, Jr., Director of Bureau of Communications, American Red Cross.

² Not printed.

- (2) Letters to and from prisoners to be censored promptly and not held after censorship.
- (3) Utmost promptness in delivery of packages.
- (4) Entire freedom as to number and contents of parcels sent, excluding razors and *articles de sabotage*, so called, also excluding literature prohibited by censor.
- (5) Parcel post for prisoners at working camps to be there opened and not at main camps.
- (6) All railway facilities for shipment of parcels to be granted, including cars if required.
- (7) Access of representatives of neutral powers to all camps for American prisoners, including working camps, to be freely allowed and conversations with prisoners without witnesses permitted.
- (8) Labor of prisoners in munition factories and mines prohibited and, in general, work to be adapted to the greatest extent possible to previous occupation of prisoners.
- (9) Prompt distribution of winter and other clothing forwarded from American sources (in this connection attention is called to requirement that civilian clothing for military prisoners must have some marks to readily identify prisoner as military, such as stripe of khaki cloth on sleeve and trousers).
- (10) Ample facilities for outdoor games, such as baseball, to be provided each camp.

[*First.*] Committee does not expect from acquaintance with facilities afforded Allied Governments that objection will be made on the part of Germany to transmission of packages in any form and of any contents except as above stated.

Attention is called to the possible difficulty and delay in obtaining ratification of agreement by Germany on account of lack of central authority of War Office over different army districts having prisoners in their charge, which are independent in such matters. Also suggested that possibly discussion now or later as to prisoners between American and German commissioners on lines of recent Anglo-German conference at Hague might be desirable. If direct meeting not advisable International Red Cross might act as intermediary. At present this Committee forwards by mail weekly parcels containing two pounds of bread and a half pound sugar. Receipt of parcels now being duly acknowledged. Weekly miscellaneous parcels being temporarily sent from London. As soon as general supplies arrive, six 10-pound parcels a month will be sent each prisoner following British precedent. Sample parcel "A" will contain two pounds tinned meats or American pressed beef, half pound condensed milk, one pound baked beans, quarter pound soup tablets, half pound lard

or peanut butter, one pound chocolate, three-quarters pound sugar, one pound cheese, two pounds biscuits, half pound syrup, half pound coffee. First five items will be invariably maintained to which will be added [in different combinations] and in quantities varying from one-quarter to one pound, sugar, cheese, rice, sardines, bacon, codfish, cocoa, chocolate, biscuits, syrups, figs, dates, prunes, salt, jam, and soap, completing 10 pounds total weight. Sugar now included in weekly bread shipments will then be discontinued. Would suggest that bacon, sweet biscuits, and dried vegetables be added to list Castle drafted July 13. In case number of prisoners considerable, freight cars would be chartered. French Bureau has also offered space on their cars.

Second. Committee inclined to question, in view of its opinion as to forwarding of army rations, whether at this juncture [it is] necessary to accredit agents to military bodies. If Department still thinks advisable, suggest Reginald Foster, now in Paris, give me names proposed by American Red Cross, Washington or Paris, satisfactory to this Committee.

Third. Not believed that shipping of army rations advisable, as fresh complications would be introduced and as prisoners can be supplied from England until foodstuffs received here in bulk.

Fourth. Committee considers essential that work of supplying prisoners with food and clothing should be performed exclusively by the Red Cross and by this Committee as its agent. The Young Men's Christian Association representative for Switzerland fully concurs in this opinion and it is supported by previous experience of other committees. Scope of apportionment leads to great confusion as prisoners are being constantly shifted. If number of prisoners large, neutral representatives could be appointed by American Red Cross, but surely quite unnecessary for long time to come. British and French Bureaus by preference work through camp committees whose chairman is usually responsible noncommissioned officer, and this Committee plans to get additional information [as] precedent for American prisoners by this means. Believed that educational and religious work among prisoners as well as supplying them with amusement is highly important and should be province of Association to exclusion of material matters. This Committee is keeping in close touch with Young Men's Christian Association at Geneva. Written despatch follows.¹

STOVALL

¹ Not printed.

File No. 763.72114/2900

The Chargé in Switzerland (Wilson) to the Secretary of State

[Telegram]

BERNE, *September 18, 1917, 1 p. m.*

[*Received September 20, 10.35 a. m.*]

1670. Department's 813, August 1 [3], Legation's 1510, August 24.
In addition to 10 points mentioned for eventual agreement suggest:

- (11) Distinct understanding that noncommissioned officers should not be obliged to work except in supervision of the men, and that no pressure direct or indirect should be brought to bear to compel them to labor.
- (12) American prisoners to be kept in one camp as far as possible and in separate barracks.
- (13) Very desirable that prisoners should be permitted to return from work every night to main camp.
- (14) Tinned goods not to be opened before delivery to prisoners.
- (15) Men should be allowed cooking facilities such as gas stoves.

Am informed by Hoffmann, American representative of Christian Association in Berlin who came to Berne September 16, that attitude of German War Ministry is conciliatory towards American prisoners in view of large number of Germans in the United States, and that German Government may be willing to allow them special privileges if reciprocity assured. If endeavor made to secure these, would perhaps be advisable not to work through Spanish Embassy on account of its representation of other interests not having such privileges, but as suggested in Legation's 1510 by means of special commissioners.

WILSON

File No. 763.72114/2923

The Secretary of State to the Secretary of War (Baker)

WASHINGTON, *November 15, 1917.*

SIR: I have the honor to acknowledge the receipt of your letter of September 26, 1917,¹ in which you suggest that an attempt be made to arrange a conference at The Hague or Berne between delegates representing the Governments of the United States and Germany for the purpose of concluding one general agreement covering all questions governing the treatment of prisoners of war.

Although fully aware of the practical advantages which might result from the holding of such a conference I believe that from the political point of view this would be inexpedient at the present time and I am accordingly unable to favor taking steps to that end.

¹ Not printed.

I believe, however, that it is advisable to come to some definite agreement with the German Government regarding the various points taken up in your letter and I suggest therefore that this be done by diplomatic negotiation through the good offices of the Spanish Government which is in charge of our interests in Germany.

In this connection I have the honor to observe that proposed drafts for reciprocal agreements have already been drawn up governing the transmission of mail, money orders and parcels for prisoners of war, as well as the privileges to be granted to the diplomatic representative of the protecting power covering the inspection of prison camps, and that these proposed drafts have received the approval of your Department as well as of the other Departments directly interested therein. I therefore suggest that it would be advisable to draw up proposed drafts of reciprocal agreements covering all of the other points mentioned in your letter of September 26, dealing with the maintenance and care of prisoners of war, in order that they may be forwarded to the German Government without further delay.

I should also be glad to receive an expression of your views as to whether you consider it more expedient to combine all of these drafts in one general agreement or whether each should be forwarded to the German Government separately.

I have [etc.]

ROBERT LANSING

File No. 763.72114/3099

The Chargé in Switzerland (Wilson) to the Secretary of State

[Telegram]

BERNE, December 11, 1917, 5 p. m.

[Received December 13, 7.25 a. m.]

2213. My 1510, August 24, regard proposed conference with Germany on prisoner matters. Two such conferences now being held Berne. First, between British and Turks, takes place one room, four British delegates, of whom two Foreign Office, two military, five Turks, sitting under presidency of Swiss military surgeon, Colonel Hauser, also representative Swiss Red Cross present. Delegates address chair, not each other. Subjects treated are: (1) general treatment prisoners; (2) release of invalids; (3) exchange of civilians. Progress slow as important questions referred to both Governments. Second, between French and Germans, also held under chairmanship of Colonel Hauser but delegates do not meet personally though occupying adjacent offices in same building. Swiss chairman serves as medium. Method appears cumbrous and

wasteful of time but considered advisable by French Government. Two French delegates, both Foreign Office specialists in prisoner matters, including Panafieu, ex-minister; three German, of whom two military, one Foreign Office. This conference so far has only considered questions of exchange and release but expects to take up general treatment and other topics later. Both conferences likely to last some weeks. Recommend serious consideration of similar scheme to reach agreement for our prisoners. Berne or Geneva probably best place for meeting and believed Swiss officials from previous experience especially suited to act as intermediaries. Am advised that Spanish Embassy, Berlin, has created new special department for American prisoners in charge of Minister Delgado, who expresses anxiety to comply with our wishes in every respect and has already suggested that all American prisoners be housed in separate camp.

WILSON

File No. 763.72114/3154

The Secretary of War (Baker) to the Secretary of State

WASHINGTON, December 28, 1917.

[Received January 4, 1918.]

SIR: I have the honor to acknowledge receipt of your letter of November 15, 1917, in which you suggest the inexpediency, from a political point of view, of holding a conference between delegates representing the Governments of the United States and Germany for the purpose of concluding a general agreement covering all questions governing the treatment of prisoners of war, and wherein the opinion of the War Department is desired as to the advisability of covering these questions by separate agreements, or by one general agreement.

The War Department is of belief that, if possible, all of the points covering the treatment of prisoners of war should be combined in one general agreement and it is suggested that the proposed drafts for reciprocal agreements governing the transmission of mail, money orders and parcels for prisoners of war, as well as the privileges to be granted to the diplomatic representative of the protecting power covering the inspection of prison camps, that were previously sent you from this Department be not considered, and it is further suggested that the attached proposed agreement¹ covering all of the questions to be settled be substituted therefor.

Respectfully,

NEWTON D. BAKER

¹ Not printed.

File No. 763.72114/3206

The Acting Director of the Bureau of Prisoner Relief of the American Red Cross (Bowie) to the Secretary of State

WASHINGTON, January 17, 1918.

[Received January 19.]

SIR: We beg leave to call the attention of the State Department to the fact that until some treaty is negotiated between America and Germany covering the treatment and care of American prisoners, it will not be possible for the American Red Cross—

- (1) To provide for the transmission of moneys to Americans held in Germany;
- (2) To make provision adequately assuring the supervision essential to a proper distribution of food supplies; and
- (3) To provide for communication between prisoners and their families.

We respectfully urge upon the attention of the State Department that, in order to permit the Red Cross to perform its proper function in protecting and providing for the care of American prisoners of war in Germany, it is essential that some treaty be negotiated either similar to that negotiated between Germany and Great Britain in November, 1917, or, if possible, a broader treaty similar to the Copenhagen conference of October and November, 1917, in which Germany, Austria-Hungary, Roumania, Russia, and Turkey participated.

Respectfully yours,

JOHN F. BOWIE

File No. 763.72114/3206

The Secretary of State to the American Red Cross

WASHINGTON, January 26, 1918.

GENTLEMEN: Replying to your letter of January 17, 1918, suggesting the advisability of effecting an arrangement between the United States and Germany covering the treatment and care of American prisoners, I take pleasure in informing you that this matter is having the careful consideration both of this Department and the War Department. For various reasons, a personal conference with representatives of the German Government, such as was held at The Hague in November between British and German delegates, is not considered advisable. A draft of a proposed arrangement to be submitted to the German Government through Spanish diplomatic channels is, however, being formulated and should soon be ready to send forward. This draft will cover ques-

tions of housing, clothing, rations, work, rates of pay, correspondence, money remittances, parcels, punishments, notification of capture, return of wills and property of the dead, etc. Any suggestions which you may desire to submit for incorporation in the proposed agreement will be given careful consideration by the Department.

I am [etc.]

For the Secretary of State:

ALVEY A. ADEE

Assistant Secretary

File No. 763.72114/3455a

The Secretary of State to the Chargé in Switzerland (Wilson)

No. 1164

WASHINGTON, February 21, 1918.

SIR: The Department encloses herewith, for transmission to the Imperial German Foreign Office through the good offices of the Spanish Legation in Berne and the Spanish Embassy at Berlin, copies of a "Draft of Proposed Informal Arrangement between the United States and Germany Regarding the Treatment and Privileges of Prisoners of War."

Before forwarding the enclosed draft to the German Government, the Department desires that you examine the contents thereof with great care. If you consider it advisable to make any important changes therein, you are instructed to cable to the Department for authorization to make such changes.

I am [etc.]

ROBERT LANSING

[Enclosure]

Draft of Proposed Informal Arrangement between the United States and Germany Regarding the Treatment and Privileges of Prisoners of War

PARAGRAPH 1

HOUSING

The place of internment or confinement shall be a healthful place, absolutely acceptable from a hygienic point of view, the character of buildings and construction similar to that supplied for officers and enlisted men of the army of the country where they are detained. Prisoners of war shall not be held in ships except during the period necessary for transportation and transfer to places of detention on shore. In all cases the minimum cubic space allotted to each officer and man shall be 500 cubic feet. The buildings shall be heated where climatic conditions require heating; shall at all times be well ventilated and lighted and as few officers as possible

lodged in one room, with separate rooms for older officers. The disposition of enlisted men in cantonments or barracks shall be similar to that of enlisted men of similar grades in the army of the country where they are detained. The usual furnishings of officers' quarters and enlisted men's cantonments shall be supplied, namely: beds, mattresses, blankets, chairs, toilet facilities, etc. Prisoners of war shall not be confined in any civil prison, penitentiary, workhouse or other building which has been used, or is intended for, the housing of criminals. Prisoners who are employed outside of the main camps shall, so far as possible, be permitted to return from work every night to the main camp. Ample bathing facilities shall be supplied. Sufficient shower baths shall be furnished as will allow a bath for each prisoner at least once in seven days. Ample facilities for outdoor games, such as baseball, shall be provided at each camp, and prisoners shall be permitted to take sufficient exercise to keep them in good physical condition. All reasonable facilities for education and instruction of the men and for harmless amusements such as theatrical representations, use of musical instruments, etc., shall be allowed.

PARAGRAPH 2

CLOTHING

Officers and men shall be permitted to wear the uniforms in their possession when taken, and suitable additions shall be provided when necessary for comfort and warmth, from the supplies of captured equipment at hand. When this is not possible, such articles shall be supplied as are necessary for comfort and warmth. Any winter or other clothing which may be forwarded to prisoners from outside sources shall be promptly distributed.

PARAGRAPH 3

RATIONS

The captor government is charged with the maintenance of prisoners of war.

(a) For officers, the minimum caloric ration value is hereby established at 2,400 calories. The diet shall contain 80 to 90 grammes of protein, 50 grammes of fat, the balance to be supplied in vegetables and bread. The daily fare must be in good condition and of suitable variation to adapt it to the circumstances of life and climate. Prisoners shall be allowed cooking facilities, such as the use of small stoves.

(b) Enlisted men shall have a similar diet as specified for officers, except that in case of those doing active work, the minimum caloric value shall be 3,000 calories.

(c) Eatables, table luxuries, cigars, cigarettes and tobacco may be sent to both officers and enlisted men, held as prisoners of war, by recognized aid societies and by relatives and friends, through recognized channels, and such articles must not be withheld from them for their use.

(d) Food parcels shall be delivered with the utmost promptness to the prisoners to whom they are addressed and there shall be no limit to the number of such parcels which may be sent and delivered. All railway facilities for the shipment of such food parcels by post shall be granted including extra cars if necessary. Food parcels for prisoners at working camps shall be there opened and not at main camps, and there shall be no delay in the delivery of such parcels to working camps.

PARAGRAPH 4

WORK

The labor of prisoners of war may be utilized according to their rank and aptitude, officers excepted. Petty and noncommissioned officers shall not be forced to work, except in a supervisory capacity, and then only when they volunteer to do so in writing. Private soldiers, marine privates and nonrated enlisted persons of the Navy can be obliged to work for the public service or for private persons, or can be authorized to work on their own account. The tasks given prisoners shall not be excessive and shall have no connection with the operations of war. The nature of employment given individual prisoners shall be governed, so far as possible, by the capacity of the individual, his previous experience, health, and education. Prisoners engaged in industrial labor shall not be obliged to work longer than 8 hours, and those engaged in agricultural labor not longer than 10 hours per day. Prisoners shall not be obliged to work in munition factories, or in marshes, mines (unless such prisoners are miners by profession), or other unhealthy places; and, in general, the work is to be adapted to the greatest extent possible to the previous occupation of the prisoners. At no time shall prisoners be required to work in a region within range of their own or allied artillery. Work shall be paid for at a rate in accordance with the character of the work performed.

PARAGRAPH 5

RATES OF PAY

(a) Both parties shall pay officers, held as prisoners of war in their respective jurisdictions, the maximum amounts that the German Government pays its own officers of corresponding rank, unless the

Government to whose armed forces the officers belong shall request that lower rates be paid. The amount so disbursed shall be paid by the other party on a mutual adjustment of accounts at the close of the war.

(b) Any prisoner of war who makes claim to the status of "officer" may forward his claim, through the commandant of the place of internment, for reference to the diplomatic representative of his protecting power for verification of claim.

(c) The corresponding ranks of Army (A) and Navy (N) officers, American and German, shall be as follows:

1. A. General—General-Feldmarschall; N. Admiral—Gross Admiral; 2. A. Lieutenant General—General der Inf., Cav., etc.; N. Vice Admiral—Admiral; 3. A. Major General—Generalleutnant; N. Rear Admiral—Vizeadmiral; 4. A. Brigadier General—Generalmajor; N. Commodore—Kontreadmiral; 5. A. Colonel—Oberst; N. Captain—Kapitän zur See; 6. A. Lieutenant Colonel—Oberstleutnant; N. Commander—Fregattenkapitän; 7. A. Major—Major; N. Lieutenant Commander—Korvettenkapitän; 8. A. Captain—Hauptmann or Rittmeister; N. Lieutenant (senior grade)—Kapitänleutnant; 9. A. 1st Lieutenant—Oberleutnant; N. Lieutenant (junior grade)—Oberleutnant zur See; 10. A. 2d Lieutenant—Leutnant; N. Ensign—Leutnant zur See; 11. N. Warrant officer—Warrant officer.

PARAGRAPH 6

CORRESPONDENCE

(a) Inquiry offices for prisoners of war shall enjoy the privilege of free postage. Letters, post cards, money orders, and valuables, as well as parcels by post intended for prisoners of war or despatched by them, shall be exempt from all postal duties in the countries of origin and destination. Presents and relief in kind for prisoners of war shall be admitted free of all import or other duties.

(b) As to letters:

(1) They may be written in pencil or ink on one side of paper only. Prison authorities being required to furnish paper where paper presented is rejected.

(2) They may be written in any one of the following languages: English, French, German, Russian, Polish, Danish, Italian, Greek, Belgian, Turkish, Hungarian, Slavic, Spanish, and Portuguese.

(3) They may be written by prisoners themselves, except that where unable to do so through lack of education, sickness, or wounds, the letter may be written by and must be countersigned by a fellow prisoner.

(4) All prisoners of war shall be entitled to write two letters each month, in the case of officers not to exceed six pages of ordinary

letter-size paper, and in the case of petty and noncommissioned officers, privates and nonrated enlisted persons of the Navy, not to exceed four such pages. Prison authorities to reserve the right to address the envelope.

(5) Every prisoner of war shall have the right to communicate with the diplomatic representatives of his protecting power; such communication shall be delivered to the diplomatic representative in question within a reasonable time, provided it contains no information contrary to the sense of section (*d*) of this paragraph, and shall not count in the monthly allowance.

(6) Letters must be written in a plain hand without cipher, codes, marks, or stenographic notes, and must be addressed directly to their destination.

(7) Letters intended for or despatched by prisoners of war to and from their home country shall be exempt from all postal dues. Where letters are permitted to be despatched for domestic points they are subject to domestic rates of postage.

(8) For disciplinary reasons, postal privileges may be denied a prisoner of war for a period not to exceed four consecutive weeks in each two months. In all such cases the prisoner shall have an opportunity in at least one letter to inform his relatives of this restriction, and shall also have an opportunity to inform the diplomatic representative of the protecting power as to the reason for and length of this restriction.

(9) When transferred to military prisons or to working camps or other places of work, prisoners of war shall have the same mail privileges as when in barracks or main camps.

(10) The military authorities reserve the right to delay all mail despatched by prisoners for a period of 10 days, but no longer. This delay shall not be applicable to post cards giving notification of capture or to mail addressed to the diplomatic representative of the protecting power.

(*c*) As to post cards:

(1) Prisoners of war shall be allowed to send one postal card each week. Cards respecting the receipt, despatch, or contents of parcels, giving notification of capture, answering inquiries of authorized relief societies, or regarding whereabouts or fate of missing men not to count in this allowance. The prison authorities may provide a card of their own choosing.

(*d*) Correspondence must be confined to personal and business matters, and must not contain information regarding the political situation, naval and military operations, or the national safety or defense, or complain of ill treatment, except that in the authorized letter to the diplomatic representative of the protecting power complaints as to rations, clothing, and treatment are permissible. In

the case of letters, enclosures may be permitted provided they accord with the sense of this article, it being recognized, however, that such enclosures may result in a delay in the delivery of the letter.

(e) As to telegrams:

(1) Prisoners of war shall not be allowed to send or receive telegrams from their home country except in urgent cases, and then only with the concurrence of the prison authorities.

(f) As to money orders:

(1) Money orders intended for or despatched by prisoners of war from and to the prisoner's home country shall be exempt from the ordinary fees, and shall be negotiable at the current rate of exchange. Prisoners of war shall at all times be permitted to send money orders in reasonable amounts to their dependents. Domestic money orders when permitted shall be subject to the ordinary fees.

(g) As to mail parcels:

(1) Mail parcels shall be permitted up to eleven (11) pounds.

(2) Articles transmitted by parcel post must be without C.O.D. charges, and shall be transmitted without parcel or postage dues.

(h) As to shipments to prisoners of war:

(1) No C.O.D. deliveries will be made.

(2) Boxes or packages with a declared value less than \$1,000 will be allowed.

(i) Prisoners of war transferred to military prisons to have the same privileges as to money orders, mail parcels, and shipments as are secured by this agreement to their fellow prisoners of war in barracks and camps.

(j) All postal traffic between the United States and Germany under this agreement shall be through the postal authorities of Switzerland, whose consent thereto has been given.

(k) The right of censorship applying to all classes of matter mentioned above is reserved.

PARAGRAPH 7

PUNISHMENTS

Prisoners of war shall be subject to the laws, regulations, and orders in force in the army of the state in whose power they are, but physical violence or maltreatment shall not be permitted as a punishment for any offense of whatever character. The punishment for a simple attempt to escape on the part of a prisoner of war, even if repeated, shall not exceed military confinement for a period of 14 days. The punishment for such an attempt to escape combined with other punishable actions consequent upon or incidental to such attempt in respect of property, whether in relation to the appro-

priation or possession thereof, or injury thereto, shall not exceed military confinement for a period of two months. There shall be no unnecessary delay in bringing prisoners of war to trial for offenses committed by them, and representatives of the protecting power shall have notice of impending trials and the right to be present with counsel for defense.

PARAGRAPH 8

RELIEF SOCIETIES

Each party shall be free to name a relief society for prisoners of war, and these societies shall be given every facility for the performance of their humane tasks within the bounds imposed by military necessities and administrative regulations.

PARAGRAPH 9

VISITS OF INSPECTION

(a) The diplomatic representative of the protecting power of each party shall present to the government to which he is accredited, for approval, a list of the agents for whom he desires permission to inspect prison camps. This list may be added to or detracted from at any time.

(b) To each agent approved shall be given a permit authorizing him to inspect all prison camps, within the country in which prisoners of the nation whose interests he is protecting are detained, subject to the conditions stated thereon. These permits may be cancelled or recalled at any time.

(c) Authorized inspectors shall enjoy the following privileges and restrictions:

(1) An authorized inspector may visit all prison camps containing prisoners of war of the nation whose interests he is protecting without previous notification, except camps under quarantine. These may be visited only with the written consent of the medical officer in charge.

(2) On arrival at a camp an inspector must first present himself to the commandant of the camp or his authorized representative, and submit his permit for verification.

(3) An officer, or, if such is not available, a noncommissioned officer, shall be detailed by the commandant to accompany the inspector on his tour of inspection. At the discretion of the inspector, the ranking prisoner may also be detailed to accompany him.

(4) The inspector shall have access to all parts of the camp, except the contagious ward of the infirmary, which can be visited at the discretion of the medical officer in charge.

(5) The inspector shall, at all times, enjoy the right to speak to prisoners outside of hearing of the officer or soldier accompanying him.

(6) The inspector shall, at no time, give or receive from a prisoner written matter of any kind, nor shall he converse with a prisoner on any subject irrelevant to the inspection of the camp. He shall also refrain from taking or giving oral messages.

(7) After an inspection and before leaving the camp the inspector shall informally present to the commandant of the camp, for discussion and possible verification, the general nature of complaints made by prisoners, and such suggestions as he may consider advisable regarding possible changes or improvements. Any complaint conveyed in this way to the commandant of the camp shall not constitute grounds for the punishment of or unjust discrimination against the complainant, even though the complaint proves to be unfounded.

(8) Every prisoner shall have right of access to and right to conversation with the representative of the protecting power outside of hearing of camp authorities, and permission for this shall under no condition be refused.

PARAGRAPH 10

CAPTURE

(a) It is agreed that all captures as well as the places of detention of those captured shall be notified by the captor state to the other state with the least possible delay.

(b) Every prisoner captured shall be allowed to communicate at once with his family and shall be provided with the means of doing so, and the despatch of his communications shall be facilitated.

(c) As soon as practicable after capture, every prisoner shall be enabled to inform his family of an address at which his family can communicate with him.

(d) Prisoners shall upon capture be despatched to interior camps without delay.

(e) Prisoners shall in no case be kept in so-called reprisal camps where they may be exposed to the aircraft bombs dropped by aviators of either side.

PARAGRAPH 11

WOUNDED AND SICK

Wounded and sick prisoners of war shall be given the same medical, dental, and hospital treatment as members of the captor forces, and this treatment shall be at the expense of the captor state. Artificial limbs, false teeth, and other medical appliances necessary to the

well-being of prisoners of war shall be furnished by the captor state, reimbursement therefor to be made by the prisoners' own government. Special treatment and appliances not absolutely necessary to the well-being of the prisoners but indispensable to their comfort shall be furnished them provided the individual prisoner or the diplomatic representative of the protecting power or some authorized relief society will bear the cost.

PARAGRAPH 12

THE DEAD

(a) The deaths of prisoners of war shall be promptly notified to the diplomatic representative of the protecting power.

(b) Deceased prisoners of war shall be given burial according to their religion and with the same honors which are accorded to their rank in the army of the country where they are detained.

(c) The wills of prisoners who have died shall be promptly forwarded to the diplomatic representative of the protecting power for transmission to the families of the deceased.

(d) The personal property of deceased prisoners of war shall be transmitted to the diplomatic representative of the protecting power to be forwarded to the families of the deceased.

PARAGRAPH 13

RELIGION

Prisoners of war shall enjoy complete liberty in the exercise of their religion, and shall be accorded every facility for holding the services of whatever cult they may profess.

PARAGRAPH 14

After the conclusion of peace, the repatriation of prisoners of war shall be carried out as quickly as possible.

File No. 763.72114/3592a

The Secretary of State to the Minister in Switzerland (Stovall)

[Telegram]

WASHINGTON, May 7, 1918, 5 p. m.

1864. Inform Swiss Government that this Government proposes in the near future to submit to the German Government a draft of an informal arrangement for the repatriation or internment in a neutral country of certain categories of invalid prisoners of war.

Ascertain whether Swiss Government would be willing to provide for the internment in Switzerland of those prisoners captured from the American forces who may come within the categories specified. Further ascertain whether Swiss Government with the approval of the German Government would designate a medical commission to visit prison camps in Germany where American prisoners are detained and to pass upon the eligibility of those prisoners for internment in a neutral country or for repatriation. You may state that this Government will gladly pay all proper expenses which the Swiss Government may incur in this respect and will also agree to feed all American prisoners who may be interned in Switzerland from the stocks placed at the disposal of the American Prisoners Central Committee by the War and Navy Departments. You may add that this Government fully realizes the great burden which the Swiss Government has assumed in the humanitarian treatment of so many invalid prisoners of war from many of the belligerent nations, and that it will therefore view with extreme gratification and appreciation any favorable reply which the Swiss Government may feel in a position to give in the premises.

LANSING

File No. 763.72114A/465

The Assistant Secretary of State (Phillips) to the Secretary of State

May 9, 1918.

We have been trying since August 1 last to frame a proposed agreement with the German Government relating to the maintenance and treatment of prisoners. We have undertaken to do this by correspondence with the Germans and not by direct conference as has been done by the British, French and Belgian Governments, and is about to be done by the Italians. The difficulties begin in the delays incurred in bringing the various Government departments concerned in Washington into line. The difficulties increase as we correspond with our Legation in Berne which has various definite recommendations to make and which changes them from time to time.

I am convinced of the importance of putting this agreement into effect immediately, and I recommend that Mr. Dresel, who is our authority in such matters and who is now attached to the Legation at Berne, be designated to represent the Department in a conference with the enemy. There should be associated with him representatives of the Army and Navy. Dresel's instructions would, of course, limit him definitely to framing the proposed agreement and he would have no authority whatsoever to discuss any other matters.

I can only add that, from the information we have received, the British and French agreements framed through conferences with the

enemy have proved entirely satisfactory to those Governments and have materially ameliorated the conditions of the British and French prisoners.

Sincerely,

W. PHILLIPS

File No. 763.72114/3635a

The Secretary of State to the Ambassador in Spain (Willard)

[Telegram]

WASHINGTON, May 15, 1918, 4 p. m.

1126. Request Spanish Government to inquire whether German Government will be disposed to nominate delegates to hold a conference at Berne at an early date with American delegates for the purpose of concluding a reciprocal agreement covering matters pertaining to the maintenance, treatment, and exchange of prisoners of war, similar to conferences already held with representatives of British and French Governments, the American delegates to be announced and a date chosen after acceptance by German Government of this proposal.

LANSING

File No. 763.72114/3661

The Minister in Switzerland (Stovall) to the Secretary of State

[Telegram]

BERNE, May 25, 1918, 11 a. m.

[Received May 27, 7 p. m.]

3461. Contents of Department's 1864, May 7, 5 p. m., were transmitted to Foreign Office and am today in receipt of a reply dated May 23, as follows in translation:

Mr. Minister: It is with particular satisfaction we learn from Your Excellency's note of May 9 that the Government of the United States has conceived the idea of interning American soldiers in Switzerland who have been prisoners in Germany, in case such there are.

It is hardly necessary to assure you that your compatriots would find the best welcome in Switzerland, for the authorities and all the population would congratulate themselves to be able to give under this form a new proof of their friendly sentiments to the great sister Republic, America.

Your Excellency, who knows well the present economic difficulties of our country, will understand on the other hand that the number of Americans interned to be received will depend on essentially the general situation of Switzerland, as well as on the number of interned from other countries who may be on our territory at the time when

the internment of Americans should start, but you can be sure that we will do everything in our power to conform to your desire in all cases.

We are very touched with generous offer to put at times at our disposition provisions from the "American Prisoners Central Committee" which we would accept certainly with gratitude. To avoid all misunderstanding we believe, however, we must observe even now that this help from point of view of nourishment cannot be sent directly to interned Americans, the Swiss Government adopting the principle that the interned should be treated as far as concerns their rations in all foodstuffs on exactly the same footing as the Swiss population.

We add that the competent Swiss authorities will be happy to lend their help for the nomination of Swiss doctors in an understanding with the German authorities for the repatriation or internment of American prisoners of war.

Receive, etc., signed Calonder.

STOVALL

File No. 362.11/5334

The Minister in Switzerland (Stovall) to the Secretary of State

[Telegram]

BERNE, May 29, 1918, 2 p. m.

[Received May 30, 9.30 p. m.]

3499. Legation's 3469, May 25.¹ Certificate from Embassy's doctor, optical division, at Jaryour [*sic*], states in case of Corpl. Edward Roberts:

Right eye entirely gone, left eye partially saved by hasty operation so that Roberts can now distinguish moving objects and persons. He is out of bed and in good health. To be given education for blind.

As certificate states Roberts subject for repatriation, have asked Spanish Embassy, Berlin, to take steps to secure repatriation, although no agreement yet exists between two Governments. This only one case of several which are eligible for immediate repatriation. Recommend agreement this subject be arranged at the earliest practical moment.

STOVALL

File No. 362.11/5334

The Secretary of State to the Minister in Switzerland (Stovall)

[Telegram]

WASHINGTON, June 1, 1918, 6 p. m.

2019. Your 3499, May 29, 2 p. m. Your action regarding Corpl. Edward Roberts approved. Request Spanish Embassy, Berlin, to take similar steps in case of Thomas McCarthy at Guestrow in order

¹ Not printed.

that he may undergo operation at home to save his sight. Report result. Further request Spanish Embassy to ascertain whether German Government would be disposed to enter into a provisional reciprocal agreement regarding repatriation or neutral internment of invalid prisoners, final agreement to be concluded at the conference between American and German delegates which this Government proposed to the German Government through Madrid on May 15, no reply to this proposal having yet been received in Washington.

LANSING

File No. 362.11/5374

The Minister in Switzerland (Stovall) to the Secretary of State

[Telegram]

BERNE, June 6, 1918, 9 a. m.

[Received June 8, 5.05 a. m.]

3583. Department's 2019, June 1, 6 p. m. Your inquiry is being transmitted to Spanish Embassy at Berlin. I respectfully urge that definite proposals be immediately submitted to the German Government regarding repatriation and internment.

STOVALL

File No. 763.72114A/60

The Secretary of State to the Minister in Switzerland (Stovall)

[Telegram]

WASHINGTON, June 15, 1918, 2 p. m.

2101. Your 3583, June 6, 9 a. m. Request Spanish Embassy, Berlin, to inform German Government that Swiss Government has consented to intern in Switzerland such invalid American prisoners in Germany as may be eligible for internment in a neutral country by virtue of an informal agreement that may be entered into between the German and American Governments. Further state that Swiss Government has consented to appoint a medical commission to visit invalid American prisoners in Germany and to pass on their eligibility for internment in a neutral country or repatriation. Urge that German Government allow such a commission to visit Germany at the earliest possible moment, and state that this Government will be glad at any time to have a similar commission of neutral inspectors visit invalid German prisoners of war in the United States with a view to their repatriation or internment in a neutral country. You may state that a proposed schedule of disabilities is being forwarded by mail and that in its essentials it conforms closely to

the schedule of disabilities recently agreed to by the British and Bulgarian Governments.

Pending the conclusion of a more specific arrangement, ascertain whether German Government would consider the internment in Switzerland of such individual American prisoners as Hoyt Decker, Corpl. Edward Roberts, and Thomas McCarthy, whose cases would obviously come under any schedule of disabilities later agreed to. Add that this Government would consider favorably the internment in a neutral country of individual German prisoners in the United States who may be similarly incapacitated.

LANSING

File No. 763.72114/3734

The Minister in Switzerland (Stovall) to the Secretary of State

[Telegram]

BERNE, June 19, 1918, 3 p. m.

[Received June 21, 1.50 a. m.]

3703. Spanish Embassy, Berlin, informs me that inquiry contained in Department's 2019, June 1, 6 p. m., was communicated to German Government on 8th instant.

The Spanish Ambassador in a private conversation with the German Under Secretary of State was informed that the German Government are disposed in principle to enter into negotiations with United States Government concerning a proposed agreement regarding the exchange and internment of prisoners of war of the two countries.

STOVALL

File No. 763.72114/3734

The Secretary of State to the Minister in Switzerland (Stovall)

[Telegram]

WASHINGTON, June 22, 1918, 2 p. m.

2147. Your 3703, June 19, 3 p. m. Request Spanish Embassy, Berlin, to inform German Government that in view of its acceptance in principle of this Government's proposal that a conference be held in Berne concerning a proposed agreement regarding the maintenance, treatment, and exchange of prisoners of war of the two countries, this Government proposes that such a conference be held at Berne on August 5, 1918.

Further request Spanish Embassy to ascertain at earliest possible moment whether this date is acceptable to German Government, and state that upon the receipt of the acceptance this Government will

make known to the German Government the delegates whom it proposes sending to the conference and will be ready to receive a similar statement on the part of the German Government.

LANSING

File No. 763.72114/3750

The Minister in Switzerland (Stovall) to the Secretary of State

[Telegram]

BERNE, June 26, 1918, 8 p. m.

[Received June 27, 11 p. m.]

3786. Department's 2147, June 22, 2 p. m. My Spanish colleague has just handed me a telegram from the Spanish Ambassador in Berlin stating that he has received a note from the German Foreign Office to the effect that the German Government notes with satisfaction the proposal of the United States Government for a conference at Berne regarding prisoners of war and is willing to designate delegates. The German Government considers it of importance not to limit the discussion to prisoners of war but to extend it to civilians in the respective countries. It regrets not to be in position to fix exact date as it fears that the delegates who would take part in the conference will not be free until the end of August. In view of the above I have not communicated Department's 2147 to Berlin.

STOVALL

File No. 763.72114/3750

The Secretary of State to the Minister in Switzerland (Stovall)

[Telegram]

WASHINGTON, July 1, 1918, 2 p. m.

2211. Your 3786, June 26, 8 p. m. Request Spanish Ambassador, Berlin, to inform German Government that this Government will await a definite proposal from the German Government of a date for the prisoner-of-war conference and hopes that it may be arranged as soon as possible.

LANSING

File No. 763.72114/3765

The Acting Secretary of State to the Minister in Switzerland (Stovall)

[Telegram]

WASHINGTON, July 17, 1918, 6 p. m.

2304. Your 3822, June 30, 12 a. m.¹ Request the good offices of the Swiss Government in assisting in coming conference. Ascertain

¹ Not printed.

whether Swiss Government will nominate a Swiss national to preside and whether it will furnish a room in which the conference may take place, adding that this Government would particularly appreciate a favorable reply.

Request Spanish Embassy in Berlin to inform German Government that this Government considers it highly important that a definite date for the conference be set as soon as possible, and that this Government is ready to extend the proposed conference to include civilians so far as concerns the conditions existing in civil internment camps.

POLK

File No. 763.72114/3839

The Minister in Switzerland (Stovall) to the Secretary of State

[Telegram]

BERNE, July 22, 1918, 2 p. m.

[Received July 24, 7.32 a. m.]

4042. Department's 2304, July 17. I am assured, informally, that Swiss Government will accept offer to preside over conference and furnish rooms provided German Government agrees. Does Department deem it advisable to inform German Government that Swiss have been asked to preside?

STOVALL

File No. 763.72114/3839

The Acting Secretary of State to the Minister in Switzerland (Stovall)

[Telegram]

WASHINGTON, July 26, 1918, 6 p. m.

2349. Your 4042, July 22, 2 p. m. Department desires that you request Swiss Government to ascertain from German Government whether it is agreeable that a representative of the former Government preside at the coming prisoners-of-war conference in Berne. Department believes that this request should be made through the Swiss Government rather than the Spanish Embassy in Berlin, because the Spanish Government has itself offered to appoint a representative to preside at the conference. Department does not wish to reject this offer until an arrangement has been definitely concluded with the Swiss Government satisfactory to both the German Government and the Government of the United States.

POLK

File No. 763.72114/3765

*The Acting Secretary of State to the Minister in Switzerland
(Stovall)*

[Telegram]

WASHINGTON, August 6, 1918, 6 p. m.

2410. Department's 2304, July 17. Request Spanish Embassy, Berlin, urgently by telegraph to inform you of reasons for delay by German Government in setting date for proposed conference, and state that American delegation is ready to sail at short notice but must have 30 days between announcement of date in Washington and opening of conference at Berne.

For your information. American delegates would sail immediately for preliminary conferences with British and French authorities if certain that German Government would fix a date in near future but cannot risk possibility of long delay after reaching Europe. Please use every endeavor to obtain some official expression from German Government which would justify immediate departure of American delegation. Department leaves to your discretion advisability of requesting Swiss Political Department also to intercede for an early decision. Please consult Dresel who has been named as one of the Department's delegates to the conference.

POLK

File No. 763.72114A/88

The Ambassador in Spain (Willard) to the Secretary of State

[Telegram]

SAN SEBASTIAN, August 10, 1918, (?) a. m.

[Received August 11, 2.05 p. m.]

1659. Department's 1126, May 15, 4 p. m.¹ German Government has asked Spanish Government to inform the United States that it suggests that the proposed conference at Berne dealing with question of civil and military prisoners take place the middle of September. German Foreign Office at the same time declares its intention to include in the program of the conference certain questions relative to Germans living abroad, especially in China and Central America.²

WILLARD

¹ *Ante*, p. 78.

² *Re* China, see *Foreign Relations*, 1917, Supplement 2, vol. I, pp. 703 *et seq.*, and 1918, Supplement 1, vol. I, pp. 624 *et seq.*; *re* Central America, see "Enemy Aliens in Panama, Cuba, and the Dominican Republic: Recommendations of the United States," *post*, pp. 232-244.

File No. 763.72114A/97

The Minister in Switzerland (Stovall) to the Secretary of State

[Telegram]

BERNE, August 14, 1918, 9 a. m.

[Received August 16, 4.54 a. m.]

4302. Department's 2349, July 26, 6 p. m. Political Department informs me that German Government recently requested Swiss Government to preside over coming conference and that Swiss Government expressed its readiness to do so.

STOVALL

File No. 763.72114A/88

The Secretary of State to the Ambassador in Spain (Willard)

[Telegram]

WASHINGTON, August 17, 1918, 2 p. m.

1440. Your 1659, August 10. Request Spanish Government to inform German Government that the Government of the United States has taken note of the German Government's suggestion that the proposed conference at Berne take place the middle of September. In reply the Government of the United States wishes to state that its commissioners will be prepared to take part in the proposed conference on the 23d of September, 1918.

The Government of the United States further notifies the German Government that the American commission will be composed as follows: Commissioners—Hon. John W. Garrett, American Minister to the Netherlands, chairman of the commission; Hon. John W. Davis, Solicitor General of the United States; Maj. Gen. F. J. Kernan, U. S. Army; and Capt. H. H. Hough, U. S. Navy. Assistant commissioners—Ellis Loring Dresel; Christian A. Herter (secretary to commission), Special Assistant in the Department of State; Charles H. Russell, jr., Secretary of Legation; Col. Ulysses S. Grant, 3d, and Col. Samuel G. Shartle, U. S. Army; Commander Raymond Stone, U. S. Navy; Charles Moorfield Storey, attorney in the Department of Justice; and Maj. James H. Perkins, Commissioner for Europe of the American National Red Cross.

The Government of the United States expects to receive in reply a similar notification in regard to the personnel of the German commission.

Acknowledge receipt of this telegram.

LANSING

File No. 763.72114A/459a

The Secretary of State to the Chairman of the Commission to the Prisoners of War Conference (Garrett)

WASHINGTON, August 22, 1918.

SIR: In connection with the forthcoming conference at Berne, Switzerland, between American and German representatives for the purpose of negotiating, drawing up and signing a reciprocal agreement for the maintenance, treatment, and exchange of prisoners of war, and allied subjects, the Department desires to issue to the American commission the following provisional instructions in case the points mentioned below should be brought up by the German representatives at the conference.

1. *Treaty of 1799 between the United States and Prussia, articles 23 and 24.*¹ The Government of the United States regards only articles 23 and 24 of this treaty as in full effect and should the German representatives inquire as to our attitude the reply should be that this Government abides by these provisions of the treaty. If it should develop, however, that the German Government either would not or could not carry out the terms of the treaty, a new situation might arise which would require further instructions from the Department.

2. *Property.* This Government does not desire to extend the scope of the conference to include questions of property other than the personal belongings of prisoners of war. Should the subject be brought up by the German representatives at the conference the American commission should reply that it is without instructions in the premises.

3. *Proposed deportation of German civilians from China.* This Government did not originate the proposal, is not interested in it, and desires only the internment in China of such German civilians as are perniciously active. This attitude should, however, not be revealed to the public or to the German representatives in advance. It should be used as a concession in return for some German concession, as may be found expedient in the development of the negotiations.

I am [etc.]

ROBERT LANSING

File No. 763.72114A/153

The Minister in Switzerland (Stovall) to the Secretary of State

[Telegram]

BERNE, September 8, 1918, 9 a. m.

[Received September 9, 10.11 p. m.]

4641. Spanish Ambassador at Berlin learns from German Foreign Office that the German mission to the Berne prisoners conference will

¹ Hunter Miller, *Treaties and Other International Acts of the United States of America*, vol. II, pp. 450-454.

be composed as follows: (1) Major General Friedrich; (2) Count Montgelas as Minister Plenipotentiary; (3) Doctor von Keller, Counsellor of Legation; (4) Major Draudt; (5) Captain Wilke, German Navy. The following are attached to the mission: (1) Doctor Roediger, Secretary of Legation, and (2) Naval Lieutenant Mensing. Von Hindenburg, Minister Plenipotentiary and chief of prisoners section of German Legation at Berne, has also been asked to take part in conference.

I would add that the death of General Friedrich is announced in the press. Garrett notified.

STOVALL

File No. 763.72114A/168

The Ambassador in France (Sharp) to the Secretary of State

[Telegram]

PARIS, September 13, 1918, 4 p. m.

[Received September 14, 1.43 a. m.]

3. [From Garrett]:

In the discussions that have taken place between your commissioners and with the knowledge of German methods and of what has been accomplished, especially by France for the betterment of the treatment of her prisoners in Germany, it has become evident that they should be in a position to promise Germany at the Berne conference not reprisals nor recriminations but absolute equality of treatment in all that pertains to prisoners of war and civilians; that the United States is fully determined to continue to treat prisoners in her hands humanely, justly, and well, but that we are equally determined to mete out to these prisoners, military or commissioned [civilian], as the case may be, perfect reciprocity or equality of treatment, not with the idea of bringing our methods down to the German level, but of bringing German methods up to ours. We take it that we may work on this basis with assurance that public and official opinion at home will be behind our efforts. Garrett.

SHARP

File No. 763.72114A/164

The Ambassador in France (Sharp) to the Secretary of State

[Telegram]

PARIS, September 13, 1918, 5 p. m.

[Received 10 p. m.]

4. [From Garrett]:

In the matter of complaints and threats of holding the United States responsible in regard to German subjects and property in Cuba, Panama, Dominican Republic, and elsewhere, it occurs to

your commissioners that the Germans might not care to press these cases which we may care to claim are without our competence, if we could insist on German reciprocal responsibility for damage and loss of American property and lives in Turkey. If you concur in this view we ask that you cable us complete list and sufficient details of all such cases in Turkey to be made use of in our discretion. Garrett.

SHARP

File No. 763.72114A/168

The Secretary of State to the Ambassador in France (Sharp)

[Telegram]

WASHINGTON, September 17, 1918.

5642. For Garrett:

Your 3, September 13. Your attitude is cordially approved.

LANSING

File No. 763.72114A/176

The Ambassador in France (Sharp) to the Secretary of State

[Telegram]

PARIS, September 17, 1918, 10 a. m.

[Received September 18, 9.54 a. m.]

8. [From Garrett]:

The Army and Navy members of the Prisoners of War Commission propose and favor a head-for-head, and rank-for-rank, exchange and repatriation of all combatant prisoners of war, except officers and crews of submarines, after 18 months' captivity or internment or both. This is substantially the latest British-German agreement (not yet ratified) but it differs from the French-German agreement by including all commissioned officers, which the French-German agreement does not.

The same members propose and favor immediate internment in neutral European countries of all captured officers except submarine personnel without regard to rank or numbers. This to be effective on individual paroles not to escape or to serve their Governments in any capacity during internment, and the contracting Governments to agree not to accept the services of any such interned officers but to return them to the status of internment if they should break their paroles and escape.

These two propositions are advanced as being in the interest of humane treatment of prisoners and as having no valid military objections. On the other hand, it is suggested that in so far as the first proposition differs from the French agreement it must not

embarrass that Government by causing a popular demand for an equally favorable French agreement, and that possibly also the exchange of officers might mean a military advantage to Germany.

The second proposition may be open to the objection that by giving our captured officers a more favorable status than the captured British and French officers as under current agreement, we may cause embarrassing demands to be made by their people upon those Governments for new agreements more conformable to ours.

An agreed policy on the part of the Allies is desirable for obvious reasons, but time of course renders this impossible before Berne meeting.

A copy of this cablegram has been furnished Secretary Baker in London with request for his views. The commission would be glad to have the views of the Secretaries of State and Navy on these two propositions at the earliest possible date. Garrett.

SHARP

File No. 763.72114A/185e

The Secretary of State to the Minister in Switzerland (Stovall)

[Telegram]

WASHINGTON, *September 23, 1918, 4 p. m.*

2776. For Garrett:

Under date of September 6 Department forwarded you by pouch paraphrases of telegrams from Central American Legations relative to treatment of Germans in countries of Central America.¹ Summary thereof is as follows:

Costa Rica. No arrests or internments of Germans. No trade or social discriminations except as influenced by American enemy-trading list. Germans prohibited from buying exportable articles for hoarding until after the war.

Guatemala. No public regulation, but Germans subjected to strict surveillance and certain restrictions imposed upon their moving around. Also deprived of their firearms; otherwise not molested, and trade not interfered with.

Haiti. A number of Germans interned and about 20 firms sequestered.

Honduras. Movements of Germans restricted. No property sequestered except lighters in the Gulf of Fonseca. No trade restrictions.

Nicaragua. Germans well treated. Practically no restrictions and but little discrimination. Nicaraguan Government has under advisement appointment of alien property custodian.

Salvador. No restrictions on Germans.

¹ Not printed.

For your confidential information: Department desires to caution you against committing this Government with respect to Germans in Latin American countries. There are strong reasons for desiring the internment and possible transportation to this country of certain individual German propagandists from those countries. Department should be consulted before German delegates are given any assurance that such internment will not take place.

LANSING

File No. 763.72115/3367

The Secretary of State to the Minister in Switzerland (Stovall)

[Telegram]

WASHINGTON, *September 24, 1918, 3 p. m.*

2784. For Garrett:

Department in answer to suggestion received from Belgian Minister has informed him that if it proves feasible at the conference, the condition of the Belgian inhabitants of the territory occupied by Germany will be introduced into the discussions with a view of obtaining an improvement of their situation. Department accordingly instructs you to bear this matter in mind and also the condition of the French inhabitants of occupied territory, and to endeavor to obtain an amelioration of the situation of these Belgian and French inhabitants if in the judgment of the American commission it is advisable to do so. The Department prefers to leave the matter to discretion of commission.

LANSING

File No. 763.72114A/176

The Secretary of State to the Minister in Switzerland (Stovall)

[Telegram]

WASHINGTON, *September 25, 1918, 11 a. m.*

2789. For Garrett:

Your 8, September 17, 10 a. m. Secretaries of State and Navy and also the War Department favor both proposals as outlined in your telegram provided that it does not appear that serious embarrassment will be caused British or French Governments thereby. If in your opinion after careful consideration such embarrassment will result, proposition if possible should be so far modified as to avoid this danger and Department should be advised fully and further instructions obtained from Department.

In regard to first proposal, guarantees given by German Government that exchanged prisoners will not be used by Germany or any of her allies for military or governmental purposes or for any kind of work connected with the war must be very explicit and, if possible, be capable of being checked up from time to time. In connection with second proposal, guarantees that Germany will not accept services of interned officers and will return them to status of internment if they break their paroles and escape must also be very carefully and explicitly worked out.

LANSING

File No. 763.72114A/175

The Secretary of State to the Minister in Switzerland (Stovall)

[Telegram]

WASHINGTON, September 25, 1918, 4 p. m.

2995. For Garrett:

Your 7, September 17, 12 a. m.¹ American National Red Cross has never been notified to the German Government as an authorized relief society of this Government.²

American Embassy, Madrid, has today been instructed by cable³ to notify through the proper channels to the German Government and to the Austro-Hungarian Government the following organizations as authorized relief societies of the United States Government during the continuance of the war: American National Red Cross; Young Men's Christian Association; National Catholic War Council, with the Knights of Columbus operating under it; Jewish Welfare Board; and Salvation Army.

This is in accordance with the desires of the War Department.

LANSING

File No. 763.72114A/194

The Minister in Switzerland (Stovall) to the Secretary of State

[Telegram]

BERNE, September 25, 1918, 4 p. m.

[Received September 27, 5 a. m.]

10. [From Garrett]:

The Prisoners of War Conference was opened at 5 o'clock yesterday by the Swiss President who made a speech of welcome which

¹ Not printed.

² On Sept. 7, 1917, the following telegram was sent to the American Ambassador in Spain: "Please request the Spanish Government to make known to the Imperial German Government, under the provisions of art. 10 of the Geneva convention of 1906, that the American Red Cross is the volunteer aid society authorized by the President of the United States to render assistance, under the responsibility of the United States of America, in the official sanitary service of the armed forces of the United States." (File No. 811.142/2364c.)

³ No. 1599; not printed.

was responded to by Prince zu Hohenlohe Langenburg, chairman of the German delegation, and by the chairman of the American delegation. The Swiss President having given the chair to Mr. Dinichert of the Swiss Political Department, the two delegations exchanged bases of agreement which they had drawn up and then adjourned for separate deliberation to meet on the call of the presiding officer. As far as it has gone the conference has been satisfactory.

The American basis includes all points covering treatment of prisoners of war, internment and repatriation of invalid prisoners, retention of submarine officers and crews,¹ but does not include repatriation or internment of valid prisoners. The German proposals are now being compared with ours. A hasty reading shows unessential differences except in three cases, in which they ask:

- (1) Repatriation of all prisoners of war after 18 months regardless of rank or number;
- (2) Setting free of all civilian prisoners and the repatriation of those who desire it, including crews of merchant ships, and that in future civilians shall not in principle be imprisoned but may be removed and their freedom circumscribed if personal behavior makes that necessary; and
- (3) The United States to do all in its power to the end that all Germans interned in Peru [*Panama*] and Cuba shall be set free and at their wish repatriated.

It was mutually decided that all the proceedings should be confidential. Garrett.

STOVALL

File No. 763.72114A/202

The Minister in Switzerland (Stovall) to the Secretary of State

[Telegram]

BERNE, *September 28, 1918, 5 p. m.*

[*Received, September 30, 5.30 a. m.*]

12. [From Garrett]:

The conference met again yesterday afternoon after two days' study and comparison of the charges [*various?*] respective bases exchanged on Tuesday by the opposing delegations. The Germans accepted in principle all the articles submitted by us except perhaps the submarine clause which they stated could not be accepted by Germany as drawn up by us, but they said they would bring one in later for our consideration. We accepted in previous notes all the articles

¹ Sec. 19 of the American proposal provides: "Nothing in this agreement shall be held or construed as requiring the exchange, repatriation or internment in a neutral country, until after the signature of a treaty of peace between the parties to this agreement, of any commissioned, warrant or appointed officer, or petty officer of any submarine vessel, or of any man or member of its crew." (File No. 763.72114A/434.)

submitted by Germany with the exception of those covering the three points mentioned in my telegram No. 10, September 25. We submitted counter-proposals for exchange and repatriation of valid prisoners of war in line with your telegram No. 2789, September 25, and a proposition covering the internment of officers in a neutral state. We also submitted a proposition extending to civilians interned the same treatment as that provided for combatant prisoners, restricting their employment and calling for the repatriation head for head and rank for rank of such of them as are officers or members of the crews of merchant ships.

In regard to the German proposal that the United States will do all in its power to the end that the Germans interned in Panama and Cuba shall be set free and at their wish repatriated, would it meet with your views if we should say to the Germans that we would undertake to suggest to you the advisability of suggesting to the Governments of Cuba and Panama that all German civilians be treated in accordance with such agreement as may be reached between the United States and Germany, the German delegates at the same time undertaking to advise their Government similarly in regard to Americans in Turkey and Bulgaria?

The comparison and editing of the articles about which there seems less ground for difference of opinion is now being done by a subcommittee of the two delegations. It is expected that this will take several days. The main committee will probably not meet until the results of the labor of the subcommittee have been put into shape. Garrett.

STOVALL

File No. 763.72114A/164

The Secretary of State to the Minister in Switzerland (Stovall)

[Telegram]

WASHINGTON, *September 30, 1918, 10 a. m.*

3026. For Garrett:

Your 4, September 13, 5 p. m.¹ In accordance with your suggestion a summary is given below of the more important cases of injury to and molestation of Americans in Turkey and the loss of and damage to American property in that country. It is not possible to give a complete list as yet in view of the difficulty of collecting and coordinating the necessary data.

This material should only be used if the commission is strongly of the opinion that such use is advisable and will be beneficial, and

¹*Ante*, p. 87.

in such case only for the purpose of deterring the Germans from making complaints and threats relative to the treatment of Germans in Panama, Cuba, Dominican Republic, and Latin America. In any event, no formal presentation of such claims or request for indemnification should be made of Germany for damage to American lives or property in Turkey, even as a counter-claim to demands made by Germany, without first consulting the Department.

[Here follows the list of cases referred to above.]

LANSING

File No. 763.72114A/207a

The Secretary of State to the Minister in Switzerland (Stovall)

[Telegram]

WASHINGTON, October 2, 1918, noon.

3045. For Garrett:

Department instructs you to take up at conference matter of Germans naturalized by United States since outbreak of war who may be enrolled in military or naval forces of the United States and are taken prisoner by Germany. It is understood that Germany still regards such persons as German citizens. This Government conversely regards Americans naturalized by Germany during the war as still American citizens. Department regards it as desirable to reach a reciprocal agreement with German Government by which such naturalized Germans and naturalized Americans, when captured by German and American forces, respectively, shall be regarded and treated on the same basis as other prisoners of war.

LANSING

File No. 763.72114A/208

The Minister in Switzerland (Stovall) to the Secretary of State

[Telegram]

BERNE, October 1, 1918, 10 a. m.

[Received October 3, 12.52 a. m.]

13. [From Garrett]:

Your 2789, September 25, 11 a. m., contains the following:

In regard to first proposal, guarantees given by German Government that exchanged prisoners will not be used by Germany or any of her allies for military or governmental purposes or for any kind of work connected with the war must be very explicit and, if possible, be capable of being checked up from time to time.

So absolute a prohibition upon the employment of exchanged prisoners will hardly be acceptable to the Germans. In the view of the American commission it is still more undesirable from the American viewpoint. The prisoners we get back can be employed with the greatest advantage in the services of supply over here and if not so employed, other men equal in number must be brought for that service across the Atlantic. Such an agreement would compel us to maintain these returned prisoners in practical idleness on this side of the Atlantic or to return them to the United States where the prohibition would operate to deny their services to the Government in any capacity directly related to the war. In this view, it is requested that the instructions quoted above be reconsidered and a free hand permitted the commission in dealing with this matter of exchanged and repatriated prisoners of war. Garrett.

STOVALL

File No. 763.72114A/208

The Secretary of State to the Minister in Switzerland (Stovall)

[Telegram]

WASHINGTON, October 5, 1918, 3 p. m.

3073. For Garrett:

Your 13, October 1, 10 a. m. Views of commission approved. You may exercise free hand in this matter of the employment of exchanged and repatriated war prisoners.

LANSING

File No. 763.72114A/222

The Minister in Switzerland (Stovall) to the Secretary of State

[Telegram]

BERNE, October 5, 1918, 2 p. m.

[Received October 8, 4.53 p. m.]

14. [From Garrett]:

Another plenary meeting was held yesterday and took up several matters that it had not been found possible to deal with in the subcommittee. In some matters of principle about which we differed agreement seems now to have been reached and details about which there were differences have been made to conform. The Germans today presented counter-proposals regarding exchange, internment, and repatriation of valid prisoners of war which will now be considered by us. The German delegates' proposals for the unlimited repatriation of German civilians in America and the abandonment in principle of all internment of civilians were today

formally refused by us and we insisted on our proposal as outlined in my No. 12, September 28, 5 p. m.

The Germans also submitted the following new proposal about which we request your instructions:

In signing the agreement between the German Government and the Government of the United States of America with regard to prisoners of war, sanitary personnel, and civilian prisoners of war, the American delegation declared that their Government will until the end of the war neither cause the internment or deportation of German civilians retained in China owing to the state of war nor cooperate in any measure aiming at the internment or deportation of these persons, and that it will cause no hindrance to such civilians who may be desirous of returning home.

The German delegation in the name of their Government took cognizance of this declaration.

Both delegations agreed that this accord should be considered as an integral part of the agreement and that it should not be published until further notice.

Done in duplicate at Berne on blank date.

Mensing, one of the German delegates and son-in-law of Vice Consul McNally in charge at Zurich, has tried through his father-in-law to find out whether I would see him privately. I have given him to understand that I would not. Somewhat similar approaches have been made to Mr. Davis¹ with a like result. Garrett.

STOVALL

File No. 763.72114A/209

The Secretary of State to the Minister in Switzerland (Stovall)

[Telegram]

WASHINGTON, October 9, 1918, 6 p. m.

3095. For Garrett:

Your 12, September 28, 5 p. m. You may say to German delegates that you will undertake to lay before this Government the advisability of the United States Government suggesting to the Governments of Cuba and Panama that all German civilians be treated in accordance with such agreement as may be reached between the United States and Germany. In view of recent developments in Bulgaria and Turkey it is not considered advisable to concede that Germany has any influence in the future in connection with the rights of Americans in those countries. Any *quid pro quo* which it is thought desirable to demand in return for our suggestion to the Governments of Cuba and Panama should be along some other line.

LANSING

¹ John W. Davis, Solicitor General of the United States, member of the American Commission to the Prisoners of War Conference.

File No. 763.72114A/222

*The Acting Secretary of State to the Minister in Switzerland
(Stovall)*

[Telegram]

WASHINGTON, October 11, 1918, 7 p. m.

3106. For Garrett:

Your unnumbered [14] October 5, 2 p. m. This Government cannot accept the German proposal with regard to the internment or deportation of German civilians in China as stated in your telegram. While this Government does not view with favor the wholesale internment or deportation of Germans residing in China, it desires to remain free to support the same measure of control to be exercised over German civilians in China as the Government of the United States exercises over German civilians in this country.

Your action in refusing to see Mensing privately is approved.

POLK

File No. 763.72114A/245

The Minister in Switzerland (Stovall) to the Secretary of State

[Telegram]

BERNE, October 14, 1918, 4 p. m.

[Received October 16, 12.35 p. m.]

17. [From Garrett]:

In the matter of civil prisoners, Germans' original offer called for release and repatriation at their wish of all civilian prisoners, including personnel of merchant marine, and agreement to abandon internment in the future, substituting domiciliary supervision. This we declined with a counter-offer to give interned civilians freedom from forced labor and all guarantees of treatment afforded by the agreement, and to exchange merchant marine, head for head and rank for rank. They replied with proposal to repatriate upon their wish the following civil prisoners, with [without] regard to number: (1) women and children; (2) men under 17 or over 45 years; (3) men between 17 and 45, if invalid; (4) ministers and doctors.

We contemplate offering to repatriate, upon their individual wish, women and children, males under 14 and over 45, and hopeless invalids, reserving the right to detain individuals designated by either party, and on condition that Germany provides ocean transportation for those returning from the United States. We would add a

further condition: that in no case should more Germans be permitted to leave America than Germans [*Americans*] are permitted to leave Germany until all Americans in Germany desiring to leave have been afforded that opportunity. Would like to have views of your Department and Attorney General on this question. Garrett.

STOVALL

File No. 763.72114A/251

The Minister in Switzerland (Stovall) to the Secretary of State

[Telegram]

BERNE, October 18, 1918, 11 a. m.

[Received 3.36 p. m.]

19. [From Garrett]:

Commission desires to insert the following article in proposed agreement: "Officer prisoners of war shall be paid in advance as soon as possible after capture for the remainder [of the current] month and thereafter on the first day of each calendar month."

In view of the fact that such payments are to be reimbursed to the captor state, commission requests to be instructed as to whether its adoption would violate any existing statute. Garrett.

STOVALL

File No. 763.72114A/245

The Secretary of State to the Minister in Switzerland (Stovall)

[Telegram]

WASHINGTON, October 18, 1918, 4 p. m.

3147. For Garrett:

Your 17, October 14, 4 p. m. Departments of State and Justice approve your contemplated proposal regarding exchange of civilian prisoners, with the added proviso that German civilians shall be kept in quarantine for two months before leaving the United States. You should make it clear, however, that the United States Government does not obligate itself to permit the departure of any of the German subjects now interned in the United States.

LANSING

File No. 763.72114A/254

The Minister in Switzerland (Stovall) to the Secretary of State

[Telegram]

BERNE, October 19, 1918, 7 p. m.

[Received October 20, 11.55 a. m.]

21. [From Garrett]:

The German delegates last night stated that certain of the articles as suggested by us could not be accepted by them without further

instructions from Berlin, and they thought they could induce Berlin to agree to them only by going there and explaining our point of view in a way they could not do by telegraph. Today, therefore, we have in subcommittee explained certain points that they asked further about and they have left for Berlin promising to return by Tuesday.

For the first time since the conference began we notice a distinct change in their attitude and evidence of depression. We suppose that they are desirous of going home at once as much on account of the general situation as because of the reasons they have given us. They have casually referred in the last day or two to the added difficulty of negotiating with us while the exchange of notes between Washington and Berlin is going on.

STOVALL

File No. 763.72114A/256

The Minister in Switzerland (Stovall) to the Secretary of State

[Telegram]

BERNE, October 20, 1918, 7 p. m.

[Received October 21, 1.25 p. m.]

22. [From Garrett]:

Your 3147, October 18, 4 p. m. We understand our civilian proposal approved but repeat to avoid misunderstanding. It has to do only with those German civilians actually interned at the date of ratification of the agreement and does not affect Germans then at large, even if they should be thereafter interned. We on our side propose:

- (a) To repatriate from amongst those interned at the date of ratification of the agreement without regard to number—
 - (1) Women and children;
 - (2) Men over military age;
 - (3) Helpless invalids (lesser invalids to be interned in Switzerland); and
- (b) To exchange head for head merchant seamen and men of military age.

Both propositions conditioned: (1) by right to detain any designated individuals; (2) by agreement that German civilians of all classes returned from the United States shall not exceed in number American civilians returned from Germany until all of latter, whether now interned or at large, who wish to depart shall have done so. In other words, we use German civilians interned in the United States to procure release of all civilian Americans in Germany. Without some such arrangement we believe that it will be impossible to get American civilians out of Germany. We propose not to tie America's hands in regard to future action [toward] Ger-

mans now at large in the United States nor to tamper with the right to detain dangerous individuals, but on the other hand to secure most liberal possible treatment for the Americans still in Germany. Of course Germany may not accept our proposal as made and we should have some latitude for bargaining in the matter. In view of duration of confinement of those now interned and the delay in effecting exchanges, two months' quarantine period seems to us unimportant and moreover would reciprocally entail the same detention of Americans in Germany, which hardship we want to spare them. Garrett.

STOVALL

File No. 763.72114A/269

The Minister in Switzerland (Stovall) to the Secretary of State

[Telegram]

BERNE, October 25, 1918, 9 a. m.

[Received October 27, 9.25 a. m.]

23. [From Garrett]:

Your 3045, October 2, noon.¹ The German delegates who have just returned from Berlin state that the German Government will not accept the provision recognizing the naturalization of Germans as Americans since the 4th of August, 1914, who may be captured in our armed forces. The American delegation thinks that the situation can be adequately met by the American military authorities in France. Garrett.

STOVALL

File No. 763.72114A/271

The Minister in Switzerland (Stovall) to the Secretary of State

[Telegram]

BERNE, October 25, 1918, 10 a. m.

[Received October 27, 2.45 p. m.]

24. [From Garrett]:

The American delegation in order to expedite the work of the conference and without binding upon future action believes it advisable to make in one of the plenary meetings of the Prisoners of War Conference the following declaration:

The German delegation takes note of the statement by the American delegation that while the Government of the United States makes no commitment binding upon its future conduct, it is not its present

¹ *Ante*, p. 94.

practice or intention to transport to the United States any of the prisoners captured by its land forces who would be subject under the terms of this agreement to compulsory labor.

We very urgently ask whether you have any objection to such a declaration being made. Garrett.

STOVALL

File No. 763.72114A/275

The Minister in Switzerland (Stovall) to the Secretary of State

[Telegram]

BERNE, *October 26, 1918, 2 p. m.*

[*Received October 28, 2.37 p. m.*]

27. [From Garrett]:

The German delegates since returning from Berlin have agreed tentatively in subcommittee to clauses covering submarine personnel, sanction [*repatriation*] of valid prisoners of war, work of prisoners, withdrawal of prisoners from zone of the army and occupied territory, and as to the standard for food supplies. There still remain some matters about which we do not apprehend much difficulty in coming to an agreement besides the following questions in which less progress has been made: transportation overseas; sending of German prisoners to the United States; and regarding civilians. Before proceeding further with these we are awaiting your instructions, which we urgently request.

Some of the German delegates today suddenly left for Berlin, whether in connection with the work of the conference or not we do not know, but we fear that their absence will inevitably result in some further delay, although subcommittee meetings will continue. Garrett.

STOVALL

File No. 763.72114A/251

The Secretary of State to the Minister in Switzerland (Stovall)

[Telegram]

WASHINGTON, *November 1, 1918, 4 p. m.*

3248. For Garrett:

Your 19, October 18, 11 a. m. Section 3648, Revised Statutes, provides:

No advance of public money shall be made in any case whatever. And in all cases of contracts for the performance of any service, or the delivery of articles of any description, for the use of the United States, payment shall not exceed the value of the service rendered, or of the article delivered previously to such payment. It shall,

however, be lawful, under the special direction of the President, to make such advances to the disbursing officers of the Government as may be necessary to the faithful and prompt discharge of their respective duties, and to the fulfillment of the public engagements. The President may also direct such advances as he may deem necessary and proper, to persons in the military and naval service employed on distant stations, where the discharge of the pay and emoluments to which they may be entitled cannot be regularly effected.

Apparently your proposal not within exceptions indicated.

Prisoners-of-war agreement will be subject to ratification by Government of the United States, but whether presented to Senate for approval as treaty or submitted to President alone will depend on whether agreement as finally agreed on at conference contains anything which may not be within Executive's power to approve and execute without further legislation. If agreement should take form of treaty requiring approval by Senate and ratification by President, it would have the force of law and would modify any conflicting statutes accordingly.

Unless you are certain that agreement as prepared will require approval of Senate, you must consider statute above referred to as prohibiting suggested provision.

LANSING

File No. 763.72114A/271

The Secretary of State to the Minister in Switzerland (Stovall)

[Telegram]

WASHINGTON, November 2, 1918, 3 p. m.

3258. For Garrett:

Your 24, October 25, 10 a. m. War Department has no objection to the declaration which the American delegation desires to insert to the effect that "it is not its present practice or intention to transport to the United States any of the prisoners captured by its land forces who would be subject under the terms of this agreement to compulsory labor."

In view of the terms of the treaty of 1799 with Prussia, the Department deems it advisable that this declaration should appear to have been the wish of the German delegation and to have been made at their express request and with their express consent and approval. See secret mail instructions to you dated August 22.¹

LANSING

¹Ante, p. 86.

File No. 763.72114A/269

The Secretary of State to the Minister in Switzerland (Stovall)

[Telegram]

WASHINGTON, November 7, 1918, 4 p. m.

3293. For Garrett:

Your 23, October 25, 9 a. m. After consultation with the Secretary of War, it is the position of this Government that Germany should accord to all Germans naturalized by the United States between August 4, 1914, and April 6, 1917, as well as prior to August 4, 1914, who may be captured by Germany while members of our forces, the same treatment as accorded to all other American prisoners of war. It should be made clear that in case any discriminatory treatment is meted out to such naturalized Americans, such discrimination will be promptly met with whatever strict and severe retaliatory measures shall be deemed necessary by the Government of the United States to protect these naturalized Americans and to insure their treatment in the same manner as other prisoners of war.

As to treatment of such prisoners of war who have been naturalized by either country since April 6, 1917, Department is considering power of President to recognize naturalization of Americans under German law and will instruct you further with regard thereto if you so desire.

LANSING

Treaty No. 531-A

*Agreement between the United States of America and Germany Concerning Prisoners of War, Sanitary Personnel, and Civilians*¹

A. PRISONERS OF WAR

I. INTERNMENT IN A NEUTRAL COUNTRY OR REPATRIATION OF PRISONERS OF WAR

1. VALID PRISONERS OF WAR

ARTICLE 1. Valid prisoners of war who have been in captivity for one year, except as otherwise specifically provided in articles 2, 3 and 16 shall be repatriated on the basis of head for head and rank for rank.

On the same basis prisoners of war who have been interned in a neutral country because of invalidism and have been declared cured and valid by a neutral medical commission, shall be repatriated when

¹This agreement, having been superseded in effect by the terms of the Armistice, signed on the same day, was never ratified.

they shall have been in captivity and interned in a neutral country, both combined, for a period of one year.

In the execution of this article the following shall be deemed to be of equal rank:

- (a) all general, flag, field and commanding officers;
- (b) all other officers;
- (c) all non-commissioned and petty officers;
- (d) all other enlisted or enrolled persons.

ART. 2. The personnel of the German war vessels who were interned in the United States or its possessions prior to April 6, 1917, who are now held as prisoners of war, and who have no claim because of invalidism to repatriation, shall be exchanged, as soon as possible after this agreement goes into force for an equal number of American prisoners of war, whether the latter have been in confinement for a year or not, on a basis of head for head and rank for rank. In the execution of this article the following shall be deemed to be of equal rank:

- (a) all officers;
- (b) all non-commissioned officers, petty officers and men.

ART. 3. Prisoners of war who have completed their fortieth (40th) year of age and who, although eligible for repatriation on the basis of rank for rank and head for head as established in article 1, cannot be repatriated because of the inequality in the numbers of such prisoners of war held by the two parties, shall be interned in a neutral country. They may be repatriated as soon as conditions as to equality in the number of prisoners of war held by the two parties shall render possible an exchange on the basis of article 1.

2. INVALID PRISONERS OF WAR

ART. 4. Prisoners of war shall be directly repatriated without regard to rank or number if they suffer from infirmities or diseases of the kinds specified in Annex 1, Sections 1(a), 2(a), and 3.

ART. 5. Prisoners of war shall be interned in a neutral country without regard to rank or number if they suffer from infirmities or diseases of the kinds specified in Annex 1, Sections 1(b), 2(b) and 3.

ART. 6. Prisoners of war who do not suffer from the disabilities or diseases of the kind specified in Annex 1 may be repatriated or interned in a neutral country when their condition of health in other respects appears to the Travelling Commissions or Commission of Control to render this necessary.

ART. 7. The cause of the infirmity or disease shall not be taken into consideration in determining the eligibility for repatriation or

internment of prisoners of war on the ground of invalidism except when self-inflicted injuries are involved.

ART. 8. For the purpose of determining what prisoners of war are entitled to repatriation or to internment according to articles 4, 5 and 6, on account of invalidism, the prison camps are to be visited by medical commissions (Travelling Commissions).

Each Travelling Commission shall consist of one neutral physician and one physician of the Captor State. In the case of a difference of opinion the decision shall rest with the neutral physician. The Travelling Commissions may be composed exclusively of physicians of the Captor State, provided the State of Origin requests it through the Protecting Power.

At the request of the Protecting Power Travelling Commissions shall be allowed to make recommendations in regard to the medical care of the prisoners and the hygienic conditions of the camps.

One of the Travelling Commissions, the number of which is to be in proportion to the number of prisoners held by each State, shall visit each camp every two months.

ART. 9. There shall be brought before the Travelling Commissions all prisoners of war who have been proposed for repatriation or internment in a neutral country:

- (a) by the camp physician in a list prepared by him;
- (b) by the State of Origin to the Government of the Captor State;
- (c) by the Camp Help Committee;
- (d) by the head of a hospital not under the authority of a Camp Commandant or by any other person in independent charge of prisoners.

In order to carry out the provisions mentioned in paragraph 1, sub-section (c), the Camp Help Committee shall be allowed to prepare each month a list of prisoners of war in or belonging to the camp, which list is to be handed to the Camp Commandant.

All prisoners of war in confinement within or without the camp shall receive consideration by all authorities concerned in the proposals for examination. The Camp Commandant shall keep a current list of all prisoners of war in confinement which shall be copied monthly by the Camp Help Committee. Copies of the lists which have been prepared by the camp physicians and by the Camp Help Committees shall be kept in the custody of the Camp Commandants.

The lists of prisoners of war named by the State of Origin shall be handed to the Travelling Commissions.

ART. 10. The representative of the Camp Help Committee with each working detachment shall transmit every month to the Com-

mandant and to the Camp Help Committee of his own camp duplicate lists showing the names of all men from the camp in his working detachment and also showing in regard to each man named thereon:

- (a) whether in the representative's opinion, he should be examined by the Travelling Commission;
- (b) whether the man himself desires to be examined; or
- (c) whether he neither needs to be nor desires to be examined.

These lists are to be submitted with the greatest possible despatch.

ART. 11. The Travelling Commissions, on their arrival in each camp and before beginning examinations, shall inspect the lists in the custody of the Camp Commandant and compare them with the lists in their own possession.

Should a prisoner of war whose name appears on one of the lists have been transferred to another prison camp before the arrival of the Travelling Commission, or should a prisoner of war be in confinement outside of the camp and request of the proper authorities of his parent camp or of his Camp Help Committee an examination by a Travelling Commission, the Commission shall be so informed. The Commission shall transmit the names of any such prisoners to a central authority designated by the Captor State, which authority shall arrange in every case for the examination of all such prisoners of war by one of the Travelling Commissions.

ART. 12. When visits are to be made by Travelling Commissions to prisoners of war in zones barred for military reasons, arrangements therefor compatible with military necessities shall immediately be made by the competent military authorities. If for military reasons such visits are impossible for a period of thirty (30) days, the prisoners of war shall, for the purpose of presentation to the Travelling Commission, be brought to a locality accessible to the commission.

ART. 13. The adverse decisions of the Travelling Commissions shall be communicated to the State of Origin, together with the reasons therefor, and the name of the agency which proposed the prisoner of war for repatriation or internment.

ART. 14. In cases which have been recognized as urgent by the medical officers of the Captor State because of the serious nature of the infirmity or disease of the prisoner of war, the repatriation or internment in a neutral country shall take place at once without waiting for a visit from the Travelling Commission.

ART. 15. Prisoners of war who have been found by the Travelling Commissions to be eligible for repatriation or for internment shall be examined by a Commission of Control whose decision shall be final. The Commission of Control shall consist of three physicians of a neutral country and three physicians of the Captor State. In case of a tie vote, the vote of the senior neutral physician shall be decisive.

The provisions of Article 13 shall apply to the adverse decisions of the Commission of Control.

Prisoners of war who have been recognized by the Commission of Control as entitled to repatriation or internment shall be repatriated or interned in a neutral country with the least possible delay.

3. GENERAL PROVISIONS

ART. 16. Valid submarine personnel who have been in captivity for a period of not less than twelve (12) months and who might otherwise be entitled to repatriation under this agreement shall in lieu of repatriation be interned in a neutral country until the conclusion of peace, anything in this agreement to the contrary notwithstanding. Invalid submarine personnel shall be repatriated or interned as provided in this agreement for other invalid prisoners of war.

ART. 17. The order of priority for internment in a neutral country and for repatriation shall be determined in accordance with the principles stated in article 175.

ART. 18. Prisoners of war eligible for internment in a neutral country or for repatriation, under articles 1 to 7 inclusive, and 16, may renounce their rights thereto, in which case a written declaration of the fact must be made.

In doubtful cases either of the two Governments may request confirmation of the renunciation through a representative of the Protecting Power, or, in the case of prisoners of war interned in a neutral country, through the government of the latter country.

ART. 19. Prisoners of war interned in a neutral country shall not be repatriated unless they become eligible for repatriation:

- (a) Under the provisions of Annex 1; or
- (b) Under the provisions of articles 1, 3 or 6.

Before their repatriation their names shall be reported by the competent authorities of the neutral country to the Government of the Captor State.

The decision relating to the repatriation of prisoners of war from a neutral country under this article shall be made by neutral examining commissions. The neutral Government is to be requested to arrange examinations accordingly every three months or oftener if necessary in special cases.

ART. 20. If prisoners of war eligible for internment in a neutral country or repatriation are awaiting trial, they may be detained until the completion of the trial, and, with the limitation provided in the following paragraph, until the expiration of the sentence if any.

If prisoners of war eligible for internment in a neutral country or repatriation have not yet begun or have not completely served a

sentence imposed upon them, they may be detained until they have completed their punishment, but not longer than two months from the day on which they would otherwise have been interned or repatriated.

This provision does not apply to prisoners of war who are to be transported over seas and the unexpired portion of whose sentences does not exceed two months. In such cases the prisoners of war shall not be detained, but they shall be sent on the next available transport.

When a prisoner of war is detained under either of the above provisions, the Government of the State of Origin shall be advised by the Government of the Captor State of the reason for detention and, in case of punishment, of the length of the sentence and of the unexpired portion thereof.

The provisions of this article do not apply to those cases in which a neutral Government refuses to receive for internment a prisoner of war who has been sentenced on account of a grave offense.

ART. 21. Prisoners of war who have been repatriated under the terms of this agreement shall be excluded from service in units normally used in combat against the enemy on water or land or in the air in the forces of the Contracting Parties or of any of their allies or co-belligerents.

Cases of infringement of the provisions in the above paragraph brought to the attention of the State of Origin by the corresponding Protecting Power shall be investigated by the former and proper redress made therefor without delay.

ART. 22. Prisoners of war who are to be interned in a neutral country or repatriated may take their personal belongings with them, including moneys in their possession, or held for them or due them on any account, subject to the following limitations:

(a) All export regulations must be complied with. Nevertheless a prisoner of war may, except as provided in subsection (c), take with him clothing and personal effects which he possessed at the time of capture or which were sent him from abroad for his personal use while a prisoner. He may also take with him the articles enumerated in the third paragraph of Article 28.

(b) Prisoners of war may take with them written or printed matter only in case circumstances permit examination by the censor. This restriction is not applicable to birth, baptismal, or marriage certificates, or to commissions and other personal official papers.

(c) The total weight of the baggage which may be taken shall not exceed fifty kilograms, exclusive of hand baggage. An equalization of weights over and under the authorized limit shall be permitted among different persons of the same party. This limit of fifty kilograms is not to apply to persons going over-

seas; on the contrary, such persons may take as much baggage with them as can be transported without difficulty.

A certificate shall be furnished for articles retained, and care shall be taken to insure their safe-keeping.

II. TREATMENT OF PRISONERS OF WAR

1. GENERAL PROVISIONS

ART. 23. The treatment of prisoners of war shall follow the principles laid down in international agreements. In particular they are to be protected from acts of violence, ill-treatment, cruelties, personal insults and from public curiosity, and are to be treated humanely. Instructions to this effect shall be given to the authorities entrusted with the care of prisoners of war.

Officer prisoners of war shall be treated with the courtesy and consideration which their rank and grade require.

ART. 24. Prisoners of war shall not be quartered nor worked with nor treated as criminals except as punishment for crime of which they have been convicted by due process of law.

ART. 25. Compulsory measures of any kind to make prisoners of war give information about their army, navy or State, or about those of their co-belligerents, are strictly forbidden. Prisoners of war who decline to give information shall neither be threatened nor insulted, nor exposed to any other treatment which will put them in a position less favorable than other prisoners of war.

ART. 26. In general, prisoners of war shall be allowed to talk with one another.

ART. 27. Prisoners of war shall be permitted to retain the clothing necessary for their personal use provided that no objections exist on hygienic grounds.

ART. 28. Prisoners of war shall not be deprived of their money except on command of an officer, and then only when conditions permit a proper receipt to be given. Their paper and silver money may not be changed without their consent, and if changed it shall be only at the fixed rate of one mark for one franc or six marks for one dollar.

Money taken from a prisoner of war must be credited to him and a receipt given therefor.

Objects of value, such as rings, watches, cigar and cigarette cases, etc., as well as insignia of rank and decorations may not be taken from prisoners of war.

The confiscation of personal papers belonging to prisoners of war is strictly forbidden. The Captor State may make a copy of such papers, in which case the papers must be given back within two weeks at the latest.

ART. 29. Dogs shall not be used as guards in the interior of prison camps nor in guarding working or exercise detachments, unless they are in leash or are securely muzzled. Unmuzzled dogs shall under no circumstances be used in tracking down escaped prisoners of war.

ART. 30. Prisoners of war shall accord to the members of the armed forces of the Captor State its prescribed military courtesies. Regulations in the language of the State of Origin prescribing such courtesies shall be kept posted in a conspicuous place, accessible to the prisoners of war, and no prisoner of war shall be punished for failing to accord any military courtesy not specified in the regulations so posted.

ART. 31. All female personnel serving with the armed forces of either of the Contracting Parties, shall, if captured, be given every possible protection against harsh treatment, insult or any manifestation of disrespect in any way related to their sex. They shall be suitably and decently quartered, and provided with lavatories, bathing facilities, and other similar necessities quite separate from those provided for males.

2. PROTECTION AFTER CAPTURE

ART. 32. Prisoners of war shall be sent back as soon as possible after capture to collecting camps, which shall be at least 30 kilometers from the front line of the Captor State. In no case shall prisoners of war be kept nearer to the front line than 30 kilometers, unless on account of wounds or sickness they would incur greater danger by being moved than by remaining.

Seriously wounded prisoners of war shall be given competent medical care without delay and as soon as circumstances permit, shall be removed to a hospital.

ART. 33. In so far as practicable prisoners of war shall be grouped in camps, working detachments, and quarters with prisoners of war of the same State of Origin; and prisoners of war other than officers shall, whenever possible, be assigned to a camp containing at least 100 men from their own State of Origin.

Every prisoner of war not an officer shall be assigned to a prisoner of war camp having a Camp Help Committee composed of prisoners of war of his own State of Origin and he shall be informed of this assignment.

ART. 34. Special camps for non-commissioned officers shall not be established.

3. NOTIFICATION OF CAPTURE

ART. 35. The name, individual number, rank or rating and military or naval organization of every prisoner of war shall be notified within one month of capture to the competent authorities of

the Captor State and be transmitted as soon as possible to the State of Origin.

ART. 36. The Contracting Parties will do all in their power to insure that news in regard to the location of prisoners of war or missing belligerents shall be telegraphed to the State of Origin through the intermediary of the designated Relief Societies.

The following are the designated Relief Societies:

- (a) For the United States of America: American Red Cross, Berne, Switzerland.
- (b) For Germany: The Frankfort Red Cross, Committee for German Prisoners of War, Telegraphic Address: Gefangenenhilfe-Frankfurtmain.

ART. 37. Prisoners of war may send to their families within one week after capture a printed post card containing the news of their capture and information regarding their state of health.

Prisoners of war may within three days after assignment to a prison camp communicate to their families by means of a printed post card the address at which letters, post cards, remittances and parcels may be sent them. This provision shall also apply to all cases where prisoners of war are transferred from one prison camp to another.

The communications mentioned in the two preceding paragraphs, for which the necessary writing material is to be furnished to prisoners of war by the Captor State, shall be forwarded as quickly as possible and without delay; they shall not be counted in the authorized maximum of letters and post cards.

In the case of American prisoners of war these communications shall be addressed in care of the American Red Cross, Berne, Switzerland.

4. EQUIPMENT AND ORGANIZATION OF CAMPS

ART. 38. Quarters provided for troops of the Captor State shall form in hygienic as well as other respects the standard for the housing of prisoners of war in prisoner of war camps. The points mentioned in Annex 2 in regard to camps for officers and in Annex 3 in regard to camps for prisoners other than officers represent minimum requirements below which equipment and organization in the camps shall not fall. To whatever extent local conditions allow, the minimum requirements prescribed for main camps for prisoners other than officers shall be applicable to working detachments; and in all instances irrespective of local or other conditions the minimum requirements as to clothing, equipment and blankets, as stipulated in Annex 3, shall at least be met.

Prisoners of war shall be protected against the inclemencies of the weather to the same extent as members of the armed forces of the Captor State.

ART. 39. The minimum requirements must be fulfilled within three months at most after this agreement goes into force, unless new buildings or changes in buildings are necessary. In such cases a further delay of six weeks is permissible.

ART. 40. In camps for officers, the senior officer prisoner of war, and in camps for prisoners of war other than officers, the senior in rank on the Camp Help Committee, shall have the right to inform the diplomatic representative of the Protecting Power as to whether the minimum requirements have actually been complied with. This information may be given at any time after the expiration of the period for which provision is made in Article 39.

The reports shall be handed to the Camp Commandant and shall be forwarded by the latter through official channels to the diplomatic representative of the Protecting Power, together with such comments as appear appropriate and necessary.

If the Camp Commandant considers the report unfounded, the Government of the Captor State shall request the diplomatic representative of the Protecting Power to send a delegate to the camp immediately. The report of such delegate is to be communicated to the Governments of the Captor State and of the State of Origin.

5. WORK

ART. 41. The Captor State may utilize the labor of prisoners of war, officer prisoners of war excepted, according to their grade and rating, aptitude and physical ability.

ART. 42. Prisoners of war shall neither be required to perform, nor by menaces, threats or force coerced into volunteering to perform, any work directly related to the operations of the war.

Neither Contracting Party shall utilize prisoners of war of the other for work in mines, marshes, munition factories, or for dangerous work in quarries.

ART. 43. Prisoners of war may be employed only at a distance of at least thirty kilometers from the front line of the Captor State.

ART. 44. Prisoners of war subject to compulsory work under the provisions of this agreement may be required to work for the public service of the Captor State, or for private persons or private corporate interests, or they may be authorized to work on their own account.

All work performed by prisoners of war shall be under the supervision of the Captor State. The Captor State shall retain full obligation and responsibility for the proper care, maintenance, pay and treatment of all prisoners of war who may be hired out to work for private persons or private corporate interests.

ART. 45. Prisoners of war shall not be worked longer hours than the civil population engaged in similar work in the same locality and

except in cases of emergency the working day shall not be longer than ten hours, including whatever time is consumed in passing to and from work.

An interval of one hour, which will not be counted as working time, shall be allowed for the mid-day meal. Adequate time and opportunity for attending to calls of nature shall be given.

ART. 46. Prisoners of war who work shall be allowed one full day's rest of 24 hours in each seven days; this rest day shall be the calendar Sunday whenever practicable. When, however, emergency conditions require work on Sunday, the day of rest shall be accorded as soon as practicable thereafter and in no event shall the interval between successive rest days be longer than nine days nor shall there be more than one such nine-day interval in each 30 days.

ART. 47. When prisoners of war, from the nature of their work, are exposed to special dangers or sickness, special preventive measures shall be taken.

ART. 48. Prisoners of war shall be classified by the attending medical officer according to their ability to work without injury to their health in the following categories:

- (a) heavy work,
- (b) light work,
- (c) no physical work,
- (d) sick—no work.

Classified lists, certified by the medical officer, shall be kept by the camp authorities. Where circumstances require, as for instance transfer from one camp to another, prisoners of war shall be accompanied by a certificate showing their classification for work.

ART. 49. The following prisoners of war are exempted from all forms of compulsory work:

- (a) Aviation cadets, officer candidates, field clerks, and other appointed officers of the American army and navy;
- (b) "Offizier-Stellvertreter" and "Beamtenstellvertreter" and "Faehnriche" of the German army and the German navy, "Deckoffiziere," "Vice-Deckoffiziere," and "Hilfs-Deckoffiziere" of the German navy.

ART. 50. American non-commissioned officers and naval petty officers and German Unteroffiziere and Offiziersanwaerter, except those mentioned in Article 49, are exempted from compulsory work, except:

- (a) For the supervision of prisoners of war of their own armed forces while at work.
- (b) For checking and distributing mail matter and packages.
- (c) For clerical work.

- (d) For work which is absolutely necessary for the maintenance of the camp or the prisoners of war (e. g. work in gardens or kitchens) as far as this work is compatible with the dignity of their rank and is entirely within the enclosure of the camp.

In no case, however, shall non-commissioned officers be used for menial or dirty work, such as the loading and transport of coal, or the cleaning of streets or latrines.

ART. 51. Prisoners of war shall receive no compensation for work done for their own benefit or in connection with the maintenance or administration of their camp, their quarters or their work shop. Other work for the Captor State shall be paid for at a daily rate of not less than 50 Pfennigs or 12½ Cents nor more than 2 Marks or 50 Cents.

Prisoners of war shall be paid for work done in industrial occupations for private persons or firms at the same rate as industrial workers in the same locality for the same sort of work. Of the wages earned in this manner 25 to 50 Cents or 1 Mark to 2 Marks per day shall be credited to the prisoner of war concerned. The remainder shall be retained by the Captor State. Prisoners of war engaged in agricultural labor shall receive a daily wage of 50 Pfennigs or 12½ Cents which shall be credited to them without any deduction.

No deductions for maintenance shall be made from the net portion of their earnings but the full amount shall be credited to the prisoners of war and placed at their disposal for the purchase in accordance with camp regulations of articles needed by them.

The net balance remaining to the credit of prisoners of war shall be paid them upon their internment in a neutral country or upon their repatriation; in case of death of a prisoner of war this balance shall be paid to the diplomatic representative of the Protecting Power for the benefit of the legal heirs of the deceased.

6. RATIONS

ART. 52. It is the obligation of the Captor State to provide prisoners of war under its charge with such quantity and quality of wholesome food, especially of meat and vegetables, as is necessary to maintain unimpaired their normal physical health and working capacity. In general the ration served to prisoners of war shall be equal in amount, quality and nutritive value to that served to the armed forces of the Captor State when in barracks or in cantonments.

The food value of their daily ration shall not fall below a minimum of

2,000 calories for non-workers,
2,500 calories for ordinary workers,
2,850 calories for heavy workers.

The daily ration of bread shall in no case be less than 250 grams, and in the case of ordinary workers this ration shall be increased by the addition of 100 grams; and in the case of heavy workers by the addition of 150 grams of bread or other cereals; furthermore each prisoner of war's daily food ration shall contain amounts of fresh vegetables, fresh meat, and animal fat not less than those furnished to the guards at the same camp or place of detention.

All food furnished shall be sound and wholesome and shall have been handled in a proper manner.

An abundant supply of safely potable water, amounting to at least 3 litres per man per day shall be provided for drinking purposes for all prisoners of war.

ART. 53. Officer prisoners of war shall be permitted and, as far as possible, encouraged to manage their own messes; and at their request the rations furnished by the Captor State shall be delivered to them uncooked.

Prisoners of war shall be permitted to utilize the food contents of their parcels in common as additional ration. The necessary facilities for this shall be arranged with the Camp Commandant by a committee chosen by the officers in officer camps, and by the Camp Help Committee in camps for prisoners of war other than officers.

ART. 54. Menus specifying the weight of each article provided per man per day shall be posted daily and shall at all times be accessible to the delegate of the Protecting Power.

ART. 55. Prisoners of war shall be allowed at all times to obtain hot water at a reasonable price, not to exceed 5 centimes or 5 pfennigs for 2 litres.

ART. 56. Camp Help Committees shall be given a hearing in cases of complaints made by prisoners of war about their food.

ART. 57. In camps where there are prisoners of war of different States of Origin, the Camp Commandant shall, as far as possible, permit the cooking for the prisoners of war to be done by cooks of their State of Origin.

The camp cooks shall be permitted to prepare the food according to the taste of the prisoners of war.

ART. 58. When necessary for the preparation of the contents of packages, special kitchen facilities and fuel shall be furnished prisoners of war by the Captor State. Members of the Camp Help Committee shall be permitted to enter the kitchens.

ART. 59. In all camps for prisoners of war canteens shall be maintained in which prisoners may buy at reasonable prices currently obtainable food and articles of daily use. Camp Help Committees shall co-operate in the management of the canteens. Price lists of articles for sale, in the language of the prisoners of war, shall be kept posted in a conspicuous place. The profits made may be used only for the benefit of the prisoners of war.

7. WALKS

ART. 60. All officers, non-commissioned officers and men not employed on work outside the camp enclosure shall be permitted to take weekly walks of not less than two hours under military supervision outside the camp enclosure. If the prisoners of war so desire and local conditions permit, these walks shall be taken to a point at least four kilometers distant from the camp.

For this purpose, officer prisoners of war shall give their paroles not to make or prepare an attempt to escape during the walks, nor to do anything during this time which may be directed against the Captor State, its allies or co-belligerents. Such paroles shall be binding only for the duration of the walk for which given and on such conditions military supervision will be limited to conducting the walks.

8. INTELLECTUAL OCCUPATION AND DIVINE SERVICES

ART. 61. Prisoners of war shall be given as much opportunity as possible for intellectual occupation and development. For this purpose it is agreed as follows:

(a) In every main camp and as far as possible in every working detachment a reading and workroom sufficiently lighted and heated shall be provided and put at the disposal of the prisoners of war.

(b) Properly qualified prisoners of war may give educational courses and lectures which shall be so arranged as not to interfere with the work of the prisoners of war.

(c) The formation of camp libraries is to be encouraged in every way. Prisoners of war may have such newspapers of the Captor State or of its co-belligerents as the former may choose. Prisoners of war in working detachments shall be given every opportunity to make use of the libraries of the main camps. The exchange of books between the various camps shall be accomplished through the military authorities. The use of text books, dictionaries and bound books shall be permitted.

(d) Prisoners of war charged with giving educational courses or lectures and the management of libraries are to be exempt from work in the camps and are to be transferred to another camp only in cases of urgent necessity.

(e) As far as possible, prisoners of war shall be permitted to complete the courses they are attending.

(f) Prisoners of war shall be given opportunities to arrange and give musical and theatrical performances and similar entertainments.

ART. 62. Prisoners of war shall enjoy complete liberty in the exercise of whatever religion they may profess.

Chaplains pending repatriation under Article 140, shall be allowed to perform their religious and professional duties among the pris-

oners of war. Similar opportunities shall be given to prisoners of war who are ministers of religion and they shall be exempted from such work as will interfere with their religious duties.

9. MEDICAL TREATMENT

ART. 63. Prisoners of war shall be given the same medical and dental care and treatment and diet as are provided by the Captor State for sick of like grades in its own armed forces.

In case of a shortage of military doctors, competent civilian doctors shall be provided.

The services of such prisoners of war as are dentists and are not repatriated as members of the Sanitary Personnel, shall be utilized.

In no case shall any charge be made against a prisoner of war for medical or dental treatment, or supplies or anesthetics.

ART. 64. Prisoners of war shall be protected against sickness to the same extent as the nationals of the Captor State; and especially against those diseases that are conveyed by infection through the respiratory and the alimentary tracts, by transmission through the agency of insects, by contact and by poisons, etc.

ART. 65. Artificial limbs, sticks, crutches, false teeth and all other surgical and medical appliances necessary for the well-being of prisoners of war shall be furnished by the Captor State, reimbursement therefor to be made by the State of Origin. Such further appliances as may be furnished to prisoners of war by the representative of the Protecting Power shall not be withheld by the Captor State.

ART. 66. If the Captor State is unable to furnish any of the medicines or medical supplies necessary for the treatment of the sick or wounded prisoners of war it shall notify the Protecting Power, and shall allow such medical supplies to be furnished and shall expedite their transportation and delivery to the Camp Help Committees at the camps for which they were requested.

The same applies to articles of specified kinds whose delivery has been recommended by the Travelling Commissions, or by a delegate of the Protecting Power. The distribution of these articles among the prisoners of war in any main camp and in the working detachments belonging thereto shall be made through the Camp Help Committee of the camp and under the direction of the camp doctor.

ART. 67. In every prisoner of war camp a sick call shall be held daily at a specified hour in the presence of a medical officer at which prisoners of war may attend and receive medical attention from him.

ART. 68. Prisoners of war other than officers shall be detailed as orderly assistants to the medical officers of the camps in the proportion of not less than one for every one hundred prisoners of war in the camp, but there shall not be less than two such orderlies in any camp. Such orderlies shall perform no other duties.

ART. 69. In hospitals, correspondence and parcels shall be delivered without delay, but the use of the contents of the latter shall be under the control of the medical officer in charge.

10. PUNISHMENT OF PRISONERS OF WAR

ART. 70. Prisoners of war shall be subject to the laws, regulations, and orders in force in the armed forces of the Captor State, except as otherwise expressly provided in this Agreement.

ART. 71. All proceedings against prisoners of war whether before military or civil tribunals shall be accelerated as much as the ends of justice demand and the nature of the case permits.

ART. 72. No punishments other than those provided by the laws of the Captor State for the personnel of its own armed forces shall be inflicted upon prisoners of war by the military authorities, or military tribunals.

ART. 73. For refusal to work and other infractions of discipline suitable and adequate punishment may be inflicted upon guilty prisoners of war by the camp authorities or by the military tribunals, as the case may be. In no case, however, shall the punishment inflicted be more severe in nature or degree than the punishment legally assignable to a member of the armed forces of the Captor State for the same or a like offense.

ART. 74. Punishments which may be inflicted by a Camp Commandant or under military authority other than the tribunals established pursuant to law shall be limited to the following:

- (a) For Officers: Deprivation of privileges; retention of pay; reprimand; confinement to room.
- (b) For non-commissioned officers, petty officers, and men: Deprivation of privileges; retention of working pay; assignment to fatigue, and extra duties in addition to routine work by roster; confinement in a cell.

The pay of officers and the working pay of non-commissioned officers and men so retained as a measure of disciplinary punishment shall be credited to their respective accounts and shall be paid to them upon their release from the status of prisoner of war. Under all circumstances the necessary money to pay their mess bills shall be allowed to officer prisoners of war.

ART. 75. Physical violence or maltreatment, either mental or physical, shall neither be inflicted as a disciplinary punishment nor permitted to a subordinate as extra-legal measures of punishment or suppression of prisoners of war. The right is expressly reserved to the authorities of the Captor State, however, to take such measures as may be indispensable for the suppression of riot or concerted or group insubordination or mutiny on the part of prisoners of war, such measures to be always within the bounds of humanity.

Prisoners of war shall not be subjected to extreme heat or cold.

Marching with full equipment and other aggravations of punishments are forbidden.

ART. 76. Immediately after charges calling for a trial before a court are preferred against a prisoner, the Captor State shall notify the Protecting Power thereof. This notification shall be at least three weeks before the day set for the trial and shall contain:

- (a) The full name and rank of the prisoner of war.
- (b) The location of the prisoner of war or his place of detention.
- (c) A short statement of the criminal act charged, accompanied by a statement of its legal consequences.
- (d) The name of the tribunal before which he will be tried with exact information regarding the place and date of trial, including the street and number of the premises where the trial is to take place.

The notification provided for in the preceding paragraph may be omitted in cases before inferior courts provided the authorized limit of punishment for the offense with which the prisoner of war is charged does not exceed confinement for a period of three months.

ART. 77. In the cases mentioned in Article 76 as requiring formal notification to the Protecting Power, the accused prisoner of war shall have the right, unless prohibited by law, to be represented by legal counsel able to speak his own language; of which right he shall be definitely informed by the Captor State reasonably in advance of trial. The Protecting Power shall have the right to appoint counsel for the accused. In such cases and in all other cases where counsel is required by law or appears essential, the Captor State shall furnish the Protecting Power a list of the persons who may act as counsel, and shall notify the latter that counsel will be selected therefrom unless the Protecting Power shall have chosen counsel two weeks after receipt of this list.

In all cases where formal notification is not required the accused shall be assisted in defence by counsel whenever reasonable and compatible with law; otherwise he shall be assisted by an interpreter.

The right of the accused freely to consult with his counsel shall not be denied nor unreasonably abridged.

The representative of the Protecting Power shall have the right to send a representative to attend the public sessions of the trial even though it shall not have designated a counsel to represent the accused as aforesaid.

ART. 78. The accused shall not be compelled to be a witness against himself, but he may, if he wishes, present to the tribunal arguments, either oral or written, in support of his cause.

With a view to shortening the time of confinement awaiting trial, the judicial proceedings shall be expedited. The period of confine-

ment awaiting trial may be considered in whole or in part in imposing sentence.

ART. 79. Any sentences unexpired at the time this agreement goes into effect in excess of the limitations therein imposed shall be at once remitted.

ART. 80. A prisoner of war shall have the same right of appeal to higher authority, judicial or executive, as that possessed by members of the armed forces of the Captor State in similar cases.

ART. 81. In cases in which the death sentence is imposed by a military tribunal upon a prisoner of war, a statement showing in detail the character and circumstances of the offense shall be promptly communicated to the Protecting Power for transmission to the State of Origin of the prisoner of war concerned, and the execution of the sentence shall be delayed for a period of at least three months counting from the date of this communication. Such sentences may be pronounced only by tribunals of the same kind and following the same procedure as in corresponding cases for members of the armed forces of the Captor State. The accused shall have the specific right to be represented in the trial by counsel to the same extent as members of the armed forces of the Captor State.

The delay in the execution of the sentence provided in paragraph one of this Article is not applicable in those cases in which the death sentence is imposed for the offense of murder or attempted murder committed in the zone of operations.

ART. 82. The length of sentence to confinement in a cell or confinement in a room which may be imposed by a Camp Commandant or under military authority other than the tribunals established pursuant to law, shall not exceed thirty (30) days for any single offense.

If the total of several such consecutive sentences exceeds thirty (30) days, an interval of one week, during which no punishment shall be inflicted, shall follow each thirty (30) days confinement in a cell.

ART. 83. The duration of the punishment for a simple attempt to escape on the part of prisoners of war, even if repeated, shall not exceed military confinement for a period of fourteen days, and if made in concert with other prisoners, a period of twenty-eight days.

The duration of the punishment for such an attempt to escape, combined with other punishments for acts consequent upon, or incident to such attempt, in respect of property, whether in relation to the appropriation or possession thereof, or injury thereto, shall not exceed military confinement for a period of two months.

The foregoing provisions shall apply to attempts to escape from detention of any description in the same manner as they apply to attempts to escape from ordinary camps.

Prisoners of war recaptured after an attempt to escape shall not be subjected to any unnecessary harshness. Any insult or injury to such prisoners of war shall be severely punished. They shall be protected from violence of every kind. Officer prisoners of war recaptured after an attempt to escape shall continue to be treated in a manner suitable to their grade.

ART. 84. Collective punishments or deprivations of privileges on account of the misconduct of individuals are forbidden. Those collective punishments are especially forbidden through which prisoners of war lose their right to receive their mail and to send the allowed number of letters and postcards. In the case of individuals such a prohibition may be imposed as a punishment but shall not exceed two weeks. The prisoner of war has in this case the right to notify his family of this stoppage of correspondence before it goes into effect.

ART. 85. Punishments which are served in the prisoner of war camps and military prisons shall be carried out under the conditions provided in Annexes 4 and 5 of this agreement; otherwise, in the absence of specific provisions, prisoners of war undergoing punishment shall be treated as other prisoners of war.

Prisoners of war undergoing confinement in places removed from the camps, shall be permitted to receive four parcels a month and to use the food contents of these parcels, except upon the days when they are placed on bread and water diet. Adequate cooking facilities and fuel shall be provided for them.

ART. 86. At their request prisoners of war in close confinement shall be permitted to attend the daily sick call as provided for in Article 67, and they shall receive such medical attention and treatment as, in the opinion of the attending medical officer, they may require, including removal to hospital when necessary.

ART. 87. The provisions of this agreement shall not apply to prisoners of war who through acts of individual misconduct against the law of the land have passed from the control of the military to that of the civil authorities.

11. DEATHS AND ACCIDENTS

ART. 88. Officially stamped or otherwise authenticated certificates of deaths occurring among prisoners of war shall be executed without delay and transmitted to the diplomatic representative of the Protecting Power.

The representative of the Protecting Power shall be notified as quickly as possible of deaths by violence, and shall be informed as to the particulars.

ART. 89. The property of deceased prisoners of war, including identification tags, pay-books and other personal papers, shall be despatched by the Government of the Captor State to the State of Origin.

ART. 90. The Contracting Parties shall provide and maintain proper burial places for prisoners of war of the other party who are killed or die while in captivity. Available information regarding the identity of the deceased shall be marked in a clear manner on the grave, and the location of graves shall be reported without delay to the State of Origin.

Deceased prisoners of war shall be accorded the same honors at burial as are accorded to persons of the same rank or rating in the armed forces of the Captor State.

ART. 91. Each Government shall take measures that information regarding the death or whereabouts of missing nationals of the other party be gathered and forwarded as rapidly as possible to the State of Origin.

ART. 92. A statement shall be immediately prepared concerning all accidents to prisoners of war, to which a brief medical report must be appended. In such cases the prisoner of war shall be furnished a certificate by the Camp Commandant, stating the nature of the injury. The certificate shall be deposited with the papers of the prisoner of war and shall be handed him on his discharge or, in case of internment in a neutral country, shall be transmitted for safe keeping to the government of this neutral country and be given him on his repatriation.

12. EXCHANGE OF POWERS OF ATTORNEY AND WILLS

ART. 93. Prisoners of war shall be permitted to execute and have attested, in accordance with special regulations to be issued on the subject by the Captor State, powers of attorney and wills, which may be written in their own handwriting or sent them from their States of Origin, or drawn up for them in the camp by third parties. The camp authorities shall be responsible for forwarding such papers as quickly as possible to the diplomatic representative of the Protecting Power.

13. HELP COMMITTEES

ART. 94. A Camp Help Committee freely chosen by the prisoners of war shall be formed in each camp, including quarantine and distributing camps. This choice is subject to the approval of the Camp Commandant.

Camp Help Committees shall consist of at least:

- 1 member in camps of from 1 to 50 men.
- 2 members in camps of from 51 to 100 men.
- 3 members in camps of from 101 to 500 men.
- 5 members in camps of from 501 to 1,000 men.

In camps of more than 1,000 men there shall be one representative for every additional 500 men. In computing the membership of Camp Help Committees, the prisoners assigned or attached to a camp shall be counted even though they be absent from camp. Similarly in every working detachment representatives in the same ratio as provided above shall be chosen to be the correspondent or correspondents of the Camp Help Committee of the camp to which the working detachment is assigned.

In each hospital having ten or more prisoners of war of the same State of Origin representatives may be chosen in the proportion prescribed above for working detachments. Their duties and privileges shall be the same as those prescribed in this agreement for the representatives of working detachments.

ART. 95. Camp Help Committees and representatives besides exercising the functions enumerated elsewhere in this agreement, shall co-operate with the camp authorities in all matters relating to prisoners of war, such as foundation of libraries and provision of educational facilities; organization of amusements; registration of complaints lodged by prisoners of war; receipt, registration and distribution of gifts and of relief to prisoners of war wherever located; co-operation with the authorized relief societies and with the Protecting Power; distribution of contents of parcels of deceased prisoners of war and management of postal operations.

ART. 96. Camp Help Committees shall be allowed each week to copy the current lists of prisoners of war undergoing medical treatment and to transmit the same to the designated relief societies.

ART. 97. Camp Help Committees may correspond in matters relating to their duties freely and directly with their representatives, with the diplomatic representative of the Protecting Power, with the designated relief societies and with absent prisoners of war belonging to their Camp who have no representative.

The correspondence of the Camp Help Committee referred to in the preceding paragraph shall be subject to censorship by the camp authorities. Communications which contain requests or complaints and which are addressed to the diplomatic representative of the Protecting Power, shall be handed over to the Camp Commandant who shall immediately transmit them through official channels. Such communications may be withheld only when they contain wilfully

false statements or are written in improper language. The decision to withhold them rests exclusively with the Ministry of War; in the case of German prisoners of war in Europe, with the Headquarters of the American Expeditionary Forces. In case a letter is withheld, the writer and the diplomatic representative of the Protecting Power must be informed of the fact and the reasons.

The competent military authorities in forwarding these communications will endorse thereon their remarks in order that the representative of the Protecting Power can upon their receipt form an opinion as to the statements contained therein.

Copies or abstracts of letters sent by the Camp Help Committees shall be kept by them and shown upon request to the representative of the Protecting Power and to the prisoners of war of their State of Origin.

ART. 98. Camp Help Committees shall draw up under the supervision of Camp Commandants lists of prisoners of war who have had no news of their families for at least three months. These lists shall contain the names of the prisoners of war, the addresses of the families and brief communications or enquiries limited to 20 words in telegraphic style. These lists shall be sent to the Red Cross Societies of the respective States of Origin mentioned in Article 36 which shall attend to forwarding the answers of the families as quickly as possible.

ART. 99. Camp Help Committees, composed of prisoners of war of either of the Contracting Parties may render, from supplies at their disposal, assistance to prisoners of war of other States of Origin within the same camp. Reciprocally, prisoners of war of the two Contracting Parties may receive similar assistance from the Committees composed of the prisoners of war of other States of Origin.

ART. 100. Members of Camp Help Committees and their representatives in working detachments shall not be required to perform any work which interferes with their duties as such. They shall not be transferred from one camp to another except for urgent reasons; and then only after they shall have been given opportunity to arrange their affairs in a business-like manner and to transfer to their successors the property and accounts in their care.

ART. 101. Suitable offices and store rooms shall be provided for the use of Camp Help Committees. These store rooms shall be fitted with two locks, the keys of one to be kept by the Camp Help Committee, those of the other by the Camp Commandant.

ART. 102. Packing boxes or materials used in transporting supplies to prisoners of war which are not the property of individual prisoners of war shall become the property of the Camp Help Committee for use in repacking or other purposes; until then they remain in the custody of the Camp Authorities.

14. CORRESPONDENCE AND PARCELS

ART. 103. Special attention shall be given to the rapid forwarding of the correspondence of prisoners of war, especially over-seas correspondence. Camp Commandants and commanders of working detachments shall be instructed accordingly.

The incoming mail for prisoners of war shall be distributed without delay. The despatch of accepted letters and postcards shall not be delayed longer than ten days. Exceptions shall be permitted only as provided for by Article 84.

ART. 104. Letters, postcards, parcels, money and valuables sent to prisoners of war, and letters and postcards sent by prisoners of war, shall not be subject to charges for postage, delivery, duties, storage or to any other charges, either in the country of mailing or destination.

Similarly, articles sent to prisoners of war as gifts or as relief shipments, either in bulk or in collective consignments, shall be free from all custom duties, freight charges and other dues or charges.

ART. 105. Prisoners of war shall be permitted to send two letters and four postcards each month. Letters of officers shall not exceed six pages, and letters of those of other ranks or ratings shall not exceed four pages.

The letters and postcards shall be legibly written in black ink or in soft black lead pencil and, except with the permission of the Commandant, must be in English, French or German. Letters and postcards must be addressed specifically to a person, firm or corporation, by name, and not to a mere post office or accommodation address.

ART. 106. Correspondence of prisoners of war must not contain information regarding the political or military situation, or other information detrimental to the safety of the Captor State. Enclosures may be permitted provided they accord with the sense of this Article, it being recognized, however, that such enclosures may result in a delay in the despatch of the letter.

Correspondence of prisoners of war which violates the provisions of this agreement shall be returned to the writer, unless required as evidence in judicial or disciplinary proceedings, and shall be counted in the authorized maximum of letters and postcards.

ART. 107. Prisoners of war may receive and answer enquiries from recognized relief societies and information bureaus in regard to the location of missing members of the armed forces; the answers are not to be counted in the authorized maximum of letters and postcards.

ART. 108. Prisoners of war shall be allowed to receive an unlimited number of parcels; those sent by mail shall not weigh more than seven kilograms each. Commandants of Camps and working detachments are forbidden to withhold parcels, except in the cases specifically provided for in this agreement.

ART. 109. The sending of books and pamphlets, as well as bulk shipments of writing paper and blank books, shall be allowed subject to examination. Books may be bound.

ART. 110. Parcels addressed to individuals may be despatched in collective consignments when packed in such a manner as to be transported by ship and by rail without difficulty.

Individual parcels without specified recipients may also be despatched in collective consignments addressed to the Camp Help Committees of the main camps. These Committees may distribute the parcels to their representatives or other Camp Help Committees. Such parcels must be clearly marked as follows:

“For distribution to prisoners of war who receive no parcels.”

If an addressee be deceased, the contents of his parcels shall be distributed among the prisoners of war by the Camp Help Committee.

ART. 111. The parcels shall be handed out immediately or, if preferred by the prisoners of war, only when asked for.

The parcels shall be handled so as to prevent injury and shall be examined only once, and then in the presence of the addressee or of some one designated by him. The containers of perishable foodstuffs shall be kept intact until the contents are needed for consumption.

ART. 112. Every recipient of a parcel shall be permitted to despatch to the sender a printed postcard containing only an acknowledgment of the receipt and an itemized statement of the contents and of the condition thereof at the time of the receipt. In case printed forms for this purpose are not at hand, the receipt may be written but must not contain other information than the printed forms. This postcard shall not be counted in the authorized maximum of letters and postcards.

The printed postcards or printed lists, enclosed in parcels or bulk shipments stating the contents, shall always be delivered to the addressee. They shall be checked against the contents in the presence of the addressee or his representative.

ART. 113. The packings, tin containers and boxes shall remain the property of the prisoners of war, but they shall be stored by the camp authorities until required for use.

ART. 114. Camp Help Committees shall be allowed to make lists of all parcels sent to the working detachments that are attached to their main camp, and lists of the contents of each parcel; these lists shall accompany the parcels.

ART. 115. Camp Help Committees shall be permitted to make claims for loss of parcels or of their contents, or for damage thereto, for all prisoners of war in their camps or attached thereto.

ART. 116. Prisoners of war shall be permitted to transmit to their dependents funds in their possession at the time of capture, or paid to them by the Captor State.

Domestic money orders, when permitted shall be subject to the ordinary fees.

ART. 117. All foreign postal traffic under this arrangement shall, with the consent of the Swiss Government, be through its postal service.

15. COMMUNICATION WITH THE PROTECTING POWER

ART. 118. Prisoners of war may at all times communicate in writing to the diplomatic representative of the Protecting Power requests or complaints concerning treatment or conditions in their camp, or matters of purely personal interest; or may present such statements verbally to a delegate of the Protecting Power.

In main camps such written communications shall be presented to the Camp Help Committees, and in working detachments to the representatives of the detachment, to be transmitted to the Camp Help Committee of the main camp. The Camp Help Committee, after having made notations on the communication if such are necessary, shall forward it to the Camp Commandant, who shall in turn transmit it without delay through official channels to the representative of the Protecting Power.

Further action shall be in accordance with the provisions of Article 97, paragraphs 2 and 3.

ART. 119. The communications addressed to the diplomatic representative of the Protecting Power shall not be counted in the authorized maximum of letters and postcards. In no case shall written communications addressed by prisoners of war to the Camp Commandant and intended only for him be counted in the authorized maximum of letters and postcards.

ART. 120. Prisoners of war may be punished on account of complaints sent by them to the Protecting Power only when they contain intentionally insulting statements or intentionally false accusations. Punishment may be inflicted only by sentence of a court or with the approval of the Ministry of War; in the case of German prisoners held in Europe with the approval of the Commander-in-Chief of the American Expeditionary Forces.

16. VISITS OF INSPECTION BY DELEGATES OF THE PROTECTING POWER

ART. 121. The diplomatic representative of the Protecting Power shall present for approval by the Captor State a list of the delegates for whom are desired permits to inspect prisoners of war and the places where they are confined.

Each accepted delegate shall be given a permit authorizing him to inspect the prisoners of war and their places of confinement subject to the conditions attached thereto. These permits may be cancelled or recalled at any time.

ART. 122. The following regulations shall apply to the visits mentioned in Article 121:

(a) The authorized delegate of the Protecting Power may visit all places where prisoners of war of the State whose interests he is protecting are kept. When such visits are to be made in zones barred for military reasons, arrangements therefor compatible with military necessities shall be made immediately by the competent military authorities. If for military reasons such visits are impossible for a period of thirty (30) days, the prisoners of war shall be permanently removed to territory accessible to the delegate.

(b) The visits of the delegate of the Protecting Power may be without notice and without restriction except as follows:

Camps under quarantine and contagious wards of hospitals may be visited only with the consent of the medical officer in charge.

Penitentiaries and prisons may be visited only with the consent of competent superior authority.

Permission to visit shops or other places where members of working detachments are employed may only be refused by competent superior authority when such visit would in his opinion be incompatible with the safety of the State or with rules established for the preservation of trade secrets. The foregoing shall in no way curtail the right of the delegate of the Protecting Power to visit the working detachment camp and to interview its members. When the above restriction makes it necessary, prisoners of war shall be brought for the purpose of the interview to a place accessible to the delegate.

(c) On arrival a delegate must first present his permit to the proper authorities for verification.

(d) An officer, or, if none is available, some other military escort shall be detailed by the Commandant to accompany the delegate on his tour of inspection. Upon the wish of the delegate the ranking prisoner of war may also be detailed to accompany him.

(e) The delegate shall have the right at all times to speak to prisoners of war, except those who are awaiting trial, without witnesses and outside the hearing of any third party. Nevertheless, interviews with prisoners of war who are confined pending trial or under sentence may be permitted, with the consent of the proper authorities, when in conformity with the rules and regulations for the visits of third parties to such persons. Such consent shall always be given if compatible with the object or purpose for which the prisoner of war is detained and with local prison regulations. In this event, interviews may take place in the presence of witnesses.

(f) The delegate shall, at no time, without the full knowledge and permission of the Commandant, give to or receive from a prisoner of war written matter of any kind, or any oral mes-

sages; nor shall he converse with prisoners of war on any subject not relating to personal matters affecting them.

(g) Before leaving the camp, the delegate may informally present to the camp authorities, for discussion and possible rectification, complaints made by prisoners of war and such suggestions as he may consider advisable regarding changes or improvements.

A prisoner of war shall not be punished on account of a complaint made by him to the visiting delegate except when such complaint is shown to contain intentionally false or insulting statements or accusations; in which case punishment may be inflicted only in the manner prescribed in Article 120 and after the delegate of the Protecting Power has been heard in the matter.

ART. 123. The diplomatic representative of the Protecting Power shall be freely permitted to make complaints directly to the central authority of the Captor State about the management and conditions of the prison camps, the treatment of the prisoners of war and about the camp personnel, etc. The Captor State shall immediately make an investigation of all such complaints. The diplomatic representative of the Protecting Power shall be permitted to adduce evidence by witnesses or otherwise. Should it appear essential for a full investigation of the case, an officer of the central authority of the Captor State shall visit the camp, who shall, upon the request of the competent diplomatic representative be accompanied by a delegate of the latter.

The result of every such investigation and a statement of the action taken thereon, shall in each case be communicated to the diplomatic representative of the Protecting Power. If the result of the investigation be unfavorable, remedial action shall be taken immediately.

None of the military personnel of a prison camp, including interpreters, removed from their positions on account of their attitude towards prisoners of war, shall thereafter be employed in connection with prisoners of war.

17. RATES OF PAY OF OFFICERS AND CERTAIN OTHER PRISONERS OF WAR

ART. 124. Officer prisoners of war, officials and certain other prisoners of war classed as officers shall receive from the Captor State while in its custody pay on the basis of the following articles.

ART. 125. Officers and others entitled to pay will for the purpose of pay be divided into three classes.

Class I comprises:

- (a) Captains and higher grades of the American army and marine corps; lieutenants senior grade and officers of higher grades of the American navy, line or staff corps.
- (b) Officers of the grade of captain and higher grades of the German army and marine infantry. Officers of the rank of "Kapitän-Leutnant" and higher ranks of all officer corps of the German navy.

Class II comprises:

- (a) First and second lieutenants of the American army; officers, line or staff corps, of the grade of lieutenant (junior grade), ensign, chief warrant officer and warrant officer, whatever their corps or branch, of the American navy, and officers of the American marine corps of the corresponding grades.
- (b) Subaltern officers of the German army and all officer corps of the German navy (including "Feldwebelleutnants" in the army and navy as well as "Deckoffizierleutnants, Deckoffizier-Ingenieure" and "Hilfs-Offiziere" holding the rank of subaltern officers in the German navy).

Class III comprises:

- (a) Aviation cadets, officer candidates, field clerks, and other appointed officers of the American army and navy;
- (b) "Offizier-Stellvertreter" and "Beamten-Stellvertreter" of the German army and the German navy, "Fähnriche zur See", "Deckoffiziere", "Vize-Deckoffiziere" and "Hilfs-Deckoffiziere" of the German navy.

ART. 126. The monthly pay shall be, on the basis of 1 Dollar = 4.20 Marks; for class I, 95.25 Dollars or 400 Marks; for class II, 83.35 Dollars or 350 Marks; for class III, 65.50 Dollars or 275 Marks.

ART. 127. Officials of the army or navy prisoners of war of either side shall receive during their captivity the same pay as the military persons whose rank they hold.

ART. 128. The rates of pay herein stipulated shall apply to all prisoners of war entitled to pay, whether they are on the active, retired, or reserve lists, who at the time of capture were on active duty in the military or naval service of their respective States of Origin.

ART. 129. Prisoners of war entitled to pay under the provisions of Articles 124 to 128 inclusive shall be paid on or about the first of each month for the preceding month or fraction thereof. Pay will accrue from the day of their capture.

When a duplication of pay occurs, due to this agreement and to the differences in method of payment of the two Contracting Parties, the attention of the recipients shall be called to the fact that they will have to refund to their State of Origin upon internment in a neutral country or upon repatriation any such amount.

ART. 130. A prisoner of war who becomes entitled to an increase in pay by promotion will be paid at the increased rate from the date named by the State of Origin through diplomatic channels as the date on which the promotion took effect.

ART. 131. The obligation of the Captor State to pay prisoners of war as provided above shall cease upon their internment in a neutral country or upon repatriation.

ART. 132. All payments made by the Captor State to prisoners of war according to the above provisions shall ultimately be reimbursed to the Captor State by the State of Origin.

18. TRANSFERS TO OTHER PRISON CAMPS

ART. 133. Prisoners of war upon being transferred from one place to another shall be permitted to take with them their personal effects, letters and parcels.

ART. 134. Upon their own request made through official channels or upon the request of their State of Origin, fathers, sons and brothers who are simultaneously prisoners of war shall be united in the same main camp or working detachment unless sanitary reasons or strict requirements of discipline forbid.

The transportation of prisoners of war who are to be united will be furnished by the Captor State without charge.

As long as the reunion shall not have taken place or when it is not feasible, the prisoners of war may communicate by letter or postcard with each other; these letters and postcards shall be counted in the authorized maximum.

ART. 135. Officer prisoners of war shall not be transferred from one camp to another except upon urgent necessity and, if transferred, notice of such transfer shall be communicated as speedily as possible to the Protecting Power.

Officer prisoners of war may, however, be transferred at their own request, in which case, unless it falls within the provisions of Article 134, expenses incident to the transfer shall be borne by the officer transferred; otherwise the aforesaid expenses shall be borne by the Captor State.

19. RECOGNITION OF RANK

ART. 136. The promotion of prisoners of war to the grade of officer or to higher ranks or grades shall be recognized by the Captor State upon notification of such promotion by the diplomatic representative of the Protecting Power, provided that the promotion was recommended at a date prior to capture or becomes effective in due course of seniority according to the laws and regulations of the State of Origin.

ART. 137. In case of doubt as to the military grade of a prisoner of war and as to his right to the corresponding privileges and pay, an official statement of these matters to the Captor State by the diplomatic representative of the Protecting Power shall be conclusive.

20. RELIEF SOCIETIES

ART. 138. Each party to this agreement shall be free to designate to the other party relief societies, and these societies shall be given

all facilities for the performance of their humane tasks within the bounds imposed by military necessities and administrative regulations.

21. WAR CORRESPONDENTS, ETC.

ART. 139. Individuals who follow an army without belonging directly to it, such as war correspondents, reporters and purveyors, shall be treated as prisoners of war when captured by the enemy and when detention seems expedient, provided they are in possession of a certificate from the commander of the army which they accompany. In this case they are entitled to the same treatment as subaltern officers with the exception of pay.

B. SANITARY PERSONNEL

I. REPATRIATION OF SANITARY PERSONNEL

ART. 140. All sanitary personnel and chaplains mentioned in Articles 9, 10 and 11 of the Geneva Convention of July 6th, 1906, and in the Hague Convention No. X, of October 18th, 1907, relative to the application to naval warfare of the principles laid down in the Geneva Convention, including the sanitary personnel of the interned crews of ships of war, shall be repatriated as soon as their services are no longer necessary for the proper care of the captured sick and wounded of their own State of Origin.

None of the sanitary personnel of the Contracting Parties who fall into the power of the armed forces of the other either on the continent of Europe or in European waters, shall be removed from Europe or transferred to another State which is at war with the other Contracting Party.

ART. 141. The term "Sanitary Personnel" shall be held to comprise the following:

(a) To be recognized immediately.

1. Army and navy chaplains, medical officers, sanitary administration officers, doctors of non-commissioned rank (hospital inspectors, apothecaries, etc.), both male and female doctors, nurses and assistants, who are clearly recognizable by their special uniforms or otherwise.

2. Every other wearer of the brassard described in Article 20 of the Geneva Convention of July 6th, 1906, who can show his or her right to wear this brassard by an officially stamped certificate issued by the commanding officer of the organization and signed in his own hand by the bearer. These certificates may not be taken away either at the time of capture or later.

3. Persons incontestably identified as members of the sanitary personnel by the evidence of third parties.

(b) To be recognized upon presentation of further evidence.

Others the identification of whom shall be accomplished, subject to examination by the Captor State, by a subsequent certification issued by the Ministry of War or Navy of the State of Origin; or in the case of American sanitary personnel, by the Commander-in-Chief of the expeditionary force.

ART. 142. In the case of sanitary personnel belonging to organizations the records and archives of which have been destroyed or are in the hands of the enemy, it shall suffice that the State of Origin attest the probability of their character; such attestation shall be accepted as sufficient evidence.

ART. 143. The State of Origin shall transmit to the Captor State by diplomatic channels the names of the sanitary personnel whose repatriation is desired, and the certificate required by Article 141, (b). The return to their homes of the sanitary personnel specified in Article 141, (a), shall not be conditioned on their inclusion in these lists.

If the Captor State believes it has grounds for declining repatriation of any person on these lists, the reasons must be stated in full.

ART. 144. The release of sanitary personnel held awaiting trial or serving sentence is subject to the provisions of Article 20.

ART. 145. The taking home of personal effects by released sanitary personnel shall be governed by Article 22; and private property, including instruments and weapons, which they brought with them into captivity, shall be excepted from any prohibitions of export.

ART. 146. The persons repatriated in accordance with the stipulations in Articles 140 to 144 inclusive shall be employed only on medical or religious duty.

II. TREATMENT OF SANITARY PERSONNEL

ART. 147. The appropriate stipulations of Articles 23 to 40 inclusive, 52 to 123 inclusive and 133 to 137 inclusive, apply to the treatment of the sanitary personnel in the power of the Captor State.

When captured they shall be allowed to retain, or to deposit against receipt, such instruments, implements, drugs and other belongings as can be proved to be their personal property.

Utilization of sanitary personnel on work other than sanitary or medical duty is prohibited.

ART. 148. Sanitary personnel of either of the Contracting Parties while in the hands of the other, shall be paid by the latter at the same rates as are paid by the German Government to members of its armed forces of similar ranks and ratings. The corresponding

ranks and ratings of the sanitary personnel of the two Contracting Parties are shown in Annex 6.¹

When such sanitary personnel would receive a lower rate of pay according to the preceding paragraph than prisoners of war of the same rank, they shall be paid at the rate authorized for the latter.

The provisions of Articles 128 to 131 inclusive for the payment of prisoners of war shall govern payments to sanitary personnel. Upon identification as such, they shall receive back pay due them.

ART. 149. The sanitary personnel of the armed forces of the two Contracting Parties captured while serving with the armed forces of an ally or co-belligerent shall be embraced in this agreement as though taken while serving with their own armed forces.

ART. 150. The provisions of Articles 140 to 147 inclusive and 149 shall apply to all members of the designated relief societies mentioned in Article 138 captured by either of the Contracting Parties.

C. CIVILIAN CITIZENS AND CIVIL PRISONERS

I. REPATRIATION AND INTERNMENT IN A NEUTRAL COUNTRY OF CIVILIAN CITIZENS AND CIVIL PRISONERS

ART. 151. Of the civil prisoners in the custody of the Contracting Parties at the time when this Agreement goes into effect, the following shall be repatriated upon their wish, and without regard to number:

- (a) Women and children.
- (b) Males, other than the officers of merchant ships, who, on the day when this Agreement goes into effect, have not completed their seventeenth year or have passed their forty-fifth year.
- (c) Males of any age who, on the day when this Agreement goes into effect, are within the invalid classes specified in Annex 1, Sections 1(a), 2(a) and 3, or described in Article 6, of this Agreement.

ART. 152. Male civil prisoners who, on the day when this Agreement goes into effect, have not completed their forty-fifth year, shall, upon their wish, be repatriated as provided by Article 151(b), as soon as they have reached the specified age.

ART. 153. Male civil prisoners who, on the day when this Agreement goes into effect, have completed their seventeenth but have not passed their forty-fifth year, shall be interned in a neutral country upon their wish if within the invalid classes specified in Annex 1, Sections 1(b), 2(b), and 3 and described in Article 6 hereof. They may be repatriated therefrom by the authorities of the neutral

¹Not printed.

country in the manner herein provided for interned invalid prisoners of war (Article 19).

ART. 154. Of the civil prisoners in the custody of the Contracting Parties at the time when this Agreement goes into effect, and who are not eligible for repatriation or internment in a neutral country according to Articles 151, 152 and 153, there shall be repatriated, upon the conditions herein set forth, and upon their wish :

- (a) Officers of merchant ships, head for head. Should the number of such officers in the possession of the Contracting Parties, respectively, be, at any time, unequal, so that a surplus will remain after all exchanges under this clause have been effected, the residue may be exchanged, head for head, regardless of rank for officer prisoners of war, and regardless of the length of the latter's imprisonment.
- (b) Other males who, on the date when this Agreement goes into effect, have completed their seventeenth year, but have not passed their forty-fifth year, these head for head.

ART. 155. The legal wives, daughters, and sons under seventeen of civilian citizens or civil prisoners, as also of prisoners of war, repatriated or interned under this Agreement shall be forwarded, upon their wish, with their husbands or fathers.

ART. 156. All civilian citizens of the United States who are in Germany at the time when this Agreement goes into effect (whether civil prisoners or free) may, within three months thereafter, ask to be repatriated. Notice of this permission and of the proper authorities to whom application may be made shall be made public through official announcement in the German newspapers. This notice shall be published at the latest on the day this Agreement becomes effective. A corresponding notice shall, on the same day, be sent by the German Government to the diplomatic representative of the Protecting Power, which shall be free to inform directly the persons in question.

ART. 157. The requests made in accordance with Article 156 shall, in principle, be granted with the exception provided for in 167.

Lists of those civilian citizens of the United States who will be so repatriated shall be sent every two weeks by the German Government to the diplomatic representative of the Protecting Power, in order that the same may be immediately cabled by it to the Government of the United States.

ART. 158. Civilian citizens of the United States, who, within the period mentioned in Article 156, have not expressed a desire to be repatriated, or who have not left Germany within six weeks after their request has been approved, shall be considered as having waived all the benefit of Articles 156 and 157 provided their departure was not prevented by causes beyond their control.

ART. 159. Upon receipt of notification from the Protecting Power, as specified in Article 157, the Government of the United States shall forward, as soon as there may be opportunity, as many German civil prisoners entitled to repatriation or internment under Articles 151 to 153 inclusive as will correspond to the number of citizens of the United States having permission to depart from Germany.

The Contracting Parties shall, without delay, inform each other, through diplomatic channels, of the departure of their respective nationals; and any discrepancy in numbers resulting therefrom shall be equalized in the next shipment.

ART. 160. Should the number of civil prisoners and civilian citizens of the United States who have departed from Germany exceed the number of German civil prisoners entitled to repatriation or internment upon the conditions prescribed in Articles 151 to 154 inclusive, the excess shall be compensated by the repatriation of a like number of German civil prisoners of the class described in Article 154(b), preference being given in this event to those who, in the opinion of the medical officers of the Captor State, should be released from captivity for reasons of health.

Should the number of civilian citizens of the United States who have departed from Germany be less than the number of German civil prisoners entitled to repatriation or internment in accordance with Articles 151 to 153 inclusive, the number entitled to repatriation or internment thereunder shall nevertheless be forwarded.

ART. 161. Except as provided in the following article, only those shall be considered as citizens or nationals of the United States, in the sense of Articles 151 to 160 inclusive hereof, who, at the moment of departure, are in possession of a valid passport or certificate of identity duly issued by authority of the Government of the United States.

ART. 162. Officers and members of the crews of American or German merchant ships shall be entitled to the benefits of this Agreement regardless of their individual citizenship.

ART. 163. The repatriation of civilian citizens and civil prisoners of the United States from Germany shall be deemed to be accomplished, within the meaning of this Agreement, upon their arrival at some point within the control of the military forces of the United States, or within the territorial limits of France, Switzerland, The Netherlands, or Denmark; and that of civil prisoners from the United States upon their arrival on board such neutral vessel as may be arranged for by the Contracting Parties or by the Commission provided for in Article 174; their further transportation in either case to be at the care of the Government concerned.

ART. 164. The Contracting parties shall have the right to detain civilian citizens and civil prisoners in quarantine for a period not

exceeding two months prior to their departure for repatriation or internment. In case quarantine be necessary, the period thereof shall be so arranged as to cause the least practicable delay in the departure of the persons affected.

ART. 165. The provisions of Article 20 of this Agreement are extended to cover civilian prisoners serving sentence for breaches of camp discipline or held awaiting trial therefor.

ART. 166. Subject to the conditions stated in Article 22, civilians and civil prisoners who are to be repatriated or interned in a neutral country may take with them moneys in their personal possession, clothing, household effects, personal papers and articles such as those enumerated in Article 28, paragraph 3.

ART. 167. The Contracting Parties reserve the right to detain such individual civilians as they may designate. The names of the persons so designated shall be promptly communicated to the Protecting Powers.

ART. 168. Civilian citizens and civil prisoners repatriated in accordance with this Agreement may be employed by their respective Governments only as provided in Article 21 hereof.

II. TREATMENT OF CIVIL PRISONERS

ART. 169. The provisions of Articles 23 to 31 inclusive, 33, 37 to 40 inclusive, 52 to 123 inclusive, 133, 134 and 137 of this Agreement shall apply to civil prisoners in the same manner as to prisoners of war, with such modification as circumstances may require; provided, always, that no such modification shall be less favorable to the prisoners than the original provision, and that consideration be paid to their education and profession.

ART. 170. Civil prisoners shall not be called on to undertake any form of compulsory work, except that directly connected with the maintenance and sanitation of the camp or other place in which they may be detained. In apportioning such work, consideration shall be given to the education and profession of the prisoners. No force, threats, menaces, deprivation of privileges, nor any other means shall be employed for the purpose of inducing civil prisoners to undertake any other form of work than herein specified. They shall, however, upon their written request, and not otherwise, be allowed to perform work of a character similar to that performed by prisoners of war and under no less favorable terms.

ART. 171. Officers of the retired or reserve lists of the armed forces of the Contracting Parties, certified by the respective Governments as having been such prior to April 6, 1917, who have the status of civil prisoners, shall, as long as their status of civil prisoners continues, be

accorded treatment, including pay, fully equal to that provided by this Agreement for officer prisoners of war.

They shall, however, in so far as internment in a neutral country or repatriation is concerned, be accorded the privileges in these matters accorded to civil prisoners by this Agreement.

The provisions of the foregoing paragraph shall not apply to such individuals as are or may hereafter be detained under charges or be undergoing punishment for violation of the laws of the Captor State.

Any payment of salaries made by the Captor State to the civil prisoners contemplated in this Article shall be reimbursed by the State of Origin.

ART. 172. Officers of merchant ships are to be lodged apart from the remainder of the crews of merchant ships and are to be treated according to their rank.

D. GENERAL PROVISIONS

ART. 173. For the purpose of this agreement, including its seven annexes, the terms prisoners of war, civil prisoner, officer, non-commissioned officer, invalid, valid, repatriation and State of Origin, shall have the meanings defined in Annex 7, except when otherwise specified in the text.

ART. 174. The transportation of prisoners of war, civil prisoners and sanitary personnel, who are entitled to repatriation or internment on the basis of this Agreement, shall be arranged with the co-operation of one or more neutral States.

The details for carrying out the transportation by land or sea, including the selection of land and sea routes, shall be determined by a mixed commission (a transportation commission). Any neutral State, through or in which the transportation takes place, shall be represented by one member, and each Contracting Party by two members.

A transportation commission, constituted as above specified, shall convene immediately after the ratification of this Agreement or at an earlier date, to be agreed upon by both Contracting Parties, at The Hague, subject to the consent of the Government of the Netherlands, whose consent both Contracting Parties shall endeavor to obtain.

If necessary the membership of this commission may be increased by representatives of other neutral States affected, or additional similar commissions may be created in other neutral countries concerned, according to circumstances. The chairman of each transpor-

tation commission shall be the representative of the neutral State in whose territory the commission meets.

The Commission shall arrange that the Governments concerned be promptly informed of all decisions and measures that affect them. The commission may receive from the Governments concerned all information of importance to them.

The Contracting Parties shall carry out as far as the facilities at their command permit and as rapidly as possible the arrangements for transportation agreed upon by these commissions. The Contracting Parties guarantee to all trains and ships, while engaged on any journey or voyage having the purpose of carrying out the repatriation or internment herein provided for, immunity from any hostile action on their own parts; and they will seek to obtain similar guarantees from their Allies and co-belligerents. When a return trip is involved as a necessary part of the complete transaction as arranged for by the Commission, like immunity shall extend to such return trip.

ART. 175. The following principles shall govern the order in which persons eligible for internment in a neutral country or for repatriation shall be dispatched:

(a) Invalid prisoners of war, invalid civil prisoners and sanitary personnel, shall have precedence over all other persons who are to be transported, and shall be assigned to the next possible shipment after their eligibility for internment in a neutral country or for repatriation has been established.

(b) Other persons entitled to transportation shall be sent in the following order:

1. Males under 17 years of age and all females;
2. Prisoners of war;
3. Civilian males over 17 years of age; those over 45 years in preference to those between 17 and 45 years.

Precedence in their respective classes among persons named under the above classes shall be decided according to length of captivity, and when their captivity is of equal duration, according to seniority of age, priority being given to the oldest and children going with their parents or guardians.

(c) If because of uncontrollable circumstances, the order of priority contemplated in the preceding paragraphs cannot be followed, the repatriation of the person whose departure may have been delayed shall take place within a maximum period of two months.

(d) Persons selected for transportation over seas shall be embarked as soon as possible after the arrival of the transport in the port of embarkation and in such manner as to utilize fully all available space. The proper authorities of the United States

co-operating with the representative of the Protecting Power shall decide questions of priority regarding the transport of Germans.

(e) As far as possible, families shall be sent on the same transport.

ART. 176. The expenses of transporting prisoners of war and civil prisoners who are to be repatriated or interned in a neutral country in accordance with this agreement shall be met as follows:

(a) The State of Origin shall bear the expenses of transportation overseas on their own or neutral ships;

(b) The expenses of transportation overland in the territory of the Captor State and in that of its co-belligerents shall be borne by the Captor State; in the territory of the State of Origin, in that of its co-belligerents and in that of neutral states, by the State of Origin of the prisoners.

ART. 177. The enumeration in this agreement of certain rights which shall be accorded and privileges which shall not be denied to prisoners of war, sanitary personnel and civil prisoners, shall not be held or construed to preclude additional or greater rights or privileges wherever local conditions may permit.

ART. 178. In the interests of German prisoners of war in the hands of the American forces in France, the Protecting Power shall have the right to appoint special delegates who shall have the same privileges and duties, and shall be under the same restrictions as are provided in this agreement for the delegates of the Protecting Powers in the United States and Germany. He shall also be advised of all information regarding the prisoners of war with whose interests he is charged, which under the terms of this agreement is communicated to the representative of the Protecting Power in Washington.

ART. 179. The Contracting Parties shall instruct all authorities concerned to take the severest measures to prevent all violations of the provisions of this agreement.

ART. 180. Each Contracting Party agrees to notify the other through the representative of its Protecting Power of errors or omissions by the other in the application of the provisions of this Agreement. Upon the receipt of such notification the party notified shall immediately conduct an inquiry into the causes of the complaint and as soon as possible make known to the Protecting Power the results thereof, together with the remedial steps taken.

ART. 181. Differences of opinion between the two Contracting Parties as to the interpretation of this Agreement or of any articles thereof shall be referred to a joint commission, which shall consist of a chairman, to be designated by the president of the Swiss Con-

federation, and of one representative of each of the Contracting Parties. The decision of this commission shall be final.

ART. 182. No measure of retaliation or reprisal shall be taken by either of the Contracting Parties against the prisoners of war of the other without giving previous notification of at least forty days of such intent. This notification shall contain a definite statement of the reasons for the measure of reprisal or retaliation proposed and shall be transmitted simultaneously to the diplomatic representative of the Protecting Power and to the Government of the Swiss Confederation. The forty days shall be counted from the date upon which notification is received by the Swiss Government.

The period specified in the preceding paragraph may be lengthened by a definite period at the option of the State threatening the reprisal, when the representative of the Protecting Power states that the time allowed will not suffice for a full investigation of the causes assigned.

ART. 183. Speeches or verbal orders by the commandant of a prison camp or one of his subordinates, if delivered in a language other than that of the prisoners addressed, shall be translated by an interpreter. Written orders shall at all times be translated into the language of the State of Origin of the prisoners and shall be kept posted in a conspicuous place as long as they are in force.

ART. 184. The text of this Agreement, together with its annexes, shall, as soon as it comes into force, be posted and kept permanently posted in English and German, in all camps and working detachments in a public place. The highest ranking officers in officers' camps, and the Camp Help Committees and their representatives shall be supplied with a sufficient number of copies of this Agreement to give all those concerned an opportunity to make themselves acquainted with its contents.

E. APPROVAL OF THE AGREEMENT

ART. 185. This Agreement and its seven annexes shall be approved by both Contracting Parties and notification of such approval in writing shall be transmitted immediately thereafter to the Swiss Federal Government.

The Agreement shall go into effect seven days after the receipt by the Swiss Federal Government of both notifications of approval.

The Contracting Parties agree to take the necessary steps to obtain the co-operation of the neutral Governments concerned in any measures necessary for the bringing of this Agreement into operation and for its due execution.

Done at Berne, in five like copies, on this 11th day of November, one thousand nine hundred and eighteen.

J. W. GARRETT
JOHN W. DAVIS
F. J. KERNAN
HENRY H. HOUGH
FÜRST ZU HOHENLOHE LANGENBURG
A. MONTGELAS
VON FRANSECKY
V. KELLER
WILKE
DRAUDT

ANNEX 1

CONDITIONS FOR THE REPATRIATION AND INTERNMENT OF PRISONERS OF WAR UPON THE BASIS OF HEALTH

1. GUIDING PRINCIPLES FOR REPATRIATION AND INTERNMENT

(a) Guiding principles for repatriation

There shall be repatriated :

1. Sick and wounded who, according to medical opinion, cannot be expected to recover within a year, because their condition requires treatment and their mental or physical ability appears to have undergone marked deterioration.
2. Incurably sick and wounded whose mental or physical ability appears to have undergone marked deterioration.
3. Cured sick and wounded whose mental or physical ability appears to have undergone marked deterioration.

(b) Guiding principles for internment

There shall be interned :

1. Sick and wounded whose recovery within a period of one year, while expected, would appear more sure and rapid if they were given the benefits afforded by the resources of a neutral country than if their captivity were prolonged.
2. Prisoners of war whose mental or physical health, according to medical opinion, is seriously menaced by their remaining in captivity, whereas internment in a neutral country would probably relieve them of this risk.

(c) *Guiding principles for the repatriation of those interned in a neutral country*

There shall be repatriated:

1. Those whose state of health is or is becoming such that they fall within the categories of those eligible for repatriation on the basis of invalidism.
2. The recovered whose mental or physical ability appears to have undergone a marked deterioration.

2. SPECIAL RULES FOR REPATRIATION AND INTERNMENT

(a) *Special rules for repatriation*

There shall be repatriated:

1. All prisoners of war who as a result of organic lesions are afflicted with any of the following defects: Loss of limb, paralysis, changes in joints, or similar injury which causes a defect at least as great as the loss of a foot or a hand.
2. All wounded or injured prisoners of war whose condition is such as to make them invalids whose recovery, according to medical opinion, cannot be expected within one year.
3. All sick whose condition is such that their recovery, according to medical opinion, cannot be expected within one year.

To this category belong particularly:

- (a) Progressive tuberculosis of any organ, which, according to medical opinion, cannot be cured, or at least markedly bettered, by treatment in a neutral country.
- (b) Non-tuberculous affections of the respiratory organs of a presumably incurable nature such as, especially, high grade emphysema with or without bronchitis, bronchiectasis, severe asthma, gas poisoning, etc.
- (c) Serious chronic affections of the organs of circulation (for example, valvular diseases with tendency to disturbances of compensation, relatively serious diseases of the myocardium, pericardium or vessels, particularly inoperable aneurysms of the large vessels, etc.).
- (d) Severe chronic affections of the digestive organs.
- (e) Severe chronic affections of the genito-urinary organs (for example, all cases of proved chronic nephritis with complete symptomatology, and particularly those already showing cardiac and vascular changes; also chronic pyelitis and cystitis, etc.).
- (f) Severe chronic diseases of the central and peripheral nervous system (for example severe neurasthenia and hysteria, all cases of undoubted epilepsy and of exophthalmic goitre).

- (g) Blindness of both eyes, or of one eye if the vision of the other eye is impaired and cannot be corrected to normal by glasses. Diminution of visual acuity so that it cannot be brought up by correcting glasses to 20/40 in at least one eye. Other ocular affections falling in this category are glaucoma, iritis, choroiditis, etc.
- (h) Total bilateral deafness or total unilateral deafness, provided that the incompletely deaf ear does not hear ordinary conversation at a distance of one meter.
- (i) All clearly established cases of mental disease.
- (k) Grave chronic poisoning by metals or other causes (lead or mercurial poisoning, morphinism, cocainism, alcoholism, poisoning by gas, etc.).
- (l) Severe chronic affections of the organs of locomotion (arthritis deformans, gout, rheumatism with clinically demonstrable organic changes).
- (m) All malignant neoplasms, if they are not removable by relatively slight operations which do not endanger life.
- (n) All cases of malaria with demonstrable organic alterations (considerable chronic enlargements of the liver or spleen, cachexia, etc.).
- (o) Grave chronic skin diseases, of such a nature that they do not constitute a medical indication for internment in a neutral country.

(b) *Special rules for internment*

Prisoners of war shall be interned if they suffer from any of the following affections:

1. All forms of tuberculosis of any organs, which, according to existing medical knowledge, can be cured or at least markedly improved by methods available in a neutral country (altitude, treatment in sanatoria, etc.).

2. All forms of diseases of the respiratory, circulatory, digestive or genito-urinary organs, of the nerves, the organs of sense, the locomotor apparatus and the skin, which need treatment and which do not belong to the categories prescribed for repatriation and are not acute diseases properly so-called, showing a tendency to ready recovery. The affections here discussed are those which offer better chances of recovery by the application of measures available in a neutral country than if the patients were to be treated in captivity.

Nervous troubles caused directly by the events of the war or by captivity, such as psychasthenia of prisoners (barbed wire disease) and similar cases shall be especially considered.

All cases of this kind which are definitely determined and which, in view of their gravity or their constitutional character, are not entitled to direct repatriation, shall be interned.

Cases of psychasthenia of prisoners (barbed wire disease) which are not cured after three months in a neutral country or which, after

that length of time, are not manifestly on the way to definite cure, shall be repatriated.

3. All cases of wounds or injuries and of their consequences, which offer a better chance of cure in a neutral country than in captivity, and which are not on the one hand eligible for repatriation nor on the other insignificant.

4. All cases of duly proved malaria without clinically demonstrable organic alterations (chronic enlargement of liver or spleen, or cachexia, etc.) for which a stay in a neutral country offers particularly favorable prospects of a complete cure.

5. All cases of poisoning (particularly by gas, metals, alkaloids) for which the prospects of cure are especially favorable in a neutral country.

There shall be excluded from internment:

1. All cases of duly proved mental disease.

2. All organic or functional nervous diseases, reputed incurable. (These two categories belong to those which give a right to direct repatriation.)

3. Severe chronic alcoholism.

4. All contagious diseases in the period in which they are transmissible (acute infectious diseases, primary and secondary syphilis, trachoma, leprosy, etc.). Persons infested with vermin must be freed therefrom before internment.

3. GENERAL REMARKS

The conditions set forth above should in general be interpreted and applied in a spirit as broad as possible.

This broad interpretation ought to be applied particularly to neuropathic or psychopathic states caused or determined by war experiences or by captivity itself (psychasthenia of prisoners of war) as well as to cases of tuberculosis in all stages.

There will be many cases brought before the travelling commissions and commissions of control which do not conform to the examples given under heading 2. The examples are given as typical only. An analogous list of surgical alterations has not been made, because, except for certain cases which by their very nature are incontestable (amputations), it is difficult to make a list of particular types. Experience has shown that the setting forth of such cases is in practice inconvenient.

All cases which do not correspond exactly to the examples cited are to be judged in accordance with the spirit of the guiding principles given above.

ANNEX 2

MINIMUM CONDITIONS FOR THE EQUIPMENT AND ORGANIZATION OF OFFICERS' CAMPS

1. HOUSING

The location and equipment of officers' camps must meet all requirements for proper hygiene and cleanliness. Camps shall not be situated in unhealthful locations. The wire fences shall not be electrified. The buildings shall be suitable for the occupancy of officers, and the rooms shall be sufficiently ventilated and free from draughts. The minimum floor space per head shall be as follows:

(a) Sleeping rooms

Single bed rooms for general and flag officers, 12 square metres.
Single bed rooms for field and commanding officers, 10 square metres.

Rooms with more than one bed for field and commanding officers, 8 square metres.

Rooms for all army captains and subaltern officers, 6 square metres.

(b) Dining rooms, work rooms, and recreation rooms combined

In camps up to 100 officers, 1 square metre.

In camps of from 101 to 300 officers, 0.75 square metre.

In camps of more than 300 officers, 0.50 square metre.

Working rooms and recreation rooms may be used as dining rooms. In such cases they shall be open from reveille to tattoo.

In so far as barracks are used either for sleeping or dining or as work and recreation rooms, they shall as a rule have double walls and wooden floors, but where this is not possible, they shall be otherwise sufficiently protected against cold and damp.

The minimum height for all rooms above mentioned shall be 2.50 metres to the eaves.

[c] Protection against fire

Every reasonable precaution, in accordance with current engineering practice in the Captor State, shall be taken against the possibility of injury to prisoners of war because of fire. Fire orders providing for the safe and orderly disposition of prisoners of war in case of fire shall be posted in all prison barracks and camps in the language of the prisoners of war, and the latter as well as the guards shall be

fully informed of such orders. These orders shall specifically provide for the temporary release under guard of prisoners of war confined in cells or special disciplinary inclosures.

2. PATHS

Paths habitually in use within the camp shall be kept in serviceable condition even in bad weather.

3. BEDS AND BEDDING

Each officer shall be provided with a single bed with springs, mattress, pillow, two warm covers of adequate dimensions and two sheets. General and flag officers and field and commanding officers shall be provided with a pillow in addition. The beds shall be raised at least twenty centimeters from the floor. Beds shall not be superimposed.

Bed linen shall be changed at least once a month.

4. FURNITURE

Each officer shall have at his disposal in his bedroom a cupboard or other place in which he can keep his personal belongings (clothing, etc.).

Each officer prisoner of war shall have one chair and adequate table space. General and flag officers shall each have two chairs.

5. LIGHTING AND HEATING

All rooms shall be adequately lighted, and the light for every general or flag officer must have a minimum of 16 candle power, and for every field or commanding officer a minimum of 10 candle power, in rooms for two officers of other grades 16 candle power. Where it is not possible to supply electric light, other means of supplying an equal amount of light shall be provided. All rooms shall be heated sufficiently for the purposes for which they are used.

6. GROUNDS FOR GAMES AND EXERCISES

A space for exercise of sufficient size to permit of games being played shall be provided in each camp. In camps having up to 200 prisoners of war a minimum of 30 square metres per man; in camps of over 200 men 25 square meters per man, shall be provided. Paths may be, but gardens shall not be counted in computing this area. Exercise grounds if outside the camp may be used on condition that officers give their paroles as in the case of walks.

7. WASHING AND SANITARY ARRANGEMENTS

(a) Bathing and washing arrangements

Every officer shall be enabled to take at least one hot bath or hot shower bath a week, and unless other and adequate arrangements are made for bathing there shall be at least one shower bath for every forty officers. In every camp there must be at least two shower baths available. The shower baths shall be available for officers daily for three hours in the morning and three hours in the afternoon.

Ordinarily, every officer shall have at his disposal a wash basin and jug, and a water pitcher and glass. Where stationary washstands with running water are provided there shall be at least one bowl for every ten officers.

(b) Sanitary conveniences

All latrines and urinals shall comply with the requirements of proper sanitation and shall be lighted at night.

There shall be at least one latrine seat for every 30 officers. In no event shall there be less than three in any camp. They shall be separated one from another and shut off from view.

There shall be at least one urinal for every 20 officers.

The latrines for use at night shall be outside the sleeping rooms, and if not in the same building, access thereto shall be protected against bad weather.

Latrines and urinals for the use of officers shall be separate from those used by enlisted men.

8. MEDICAL TREATMENT

(a) Infirmaries

An infirmary shall be established in every camp for officer prisoners of war, which shall contain at least three beds for every one hundred officers in camp. The rules as regards floor space and height shall comply with the conditions prescribed for the sleeping rooms. Separate bathing arrangements, latrines and urinals shall be provided for sick officers.

(b) Hospitals

Officers in hospitals shall be allowed during the day time to be in the open air as far as this is in accordance with the treatment prescribed for them by the medical officer.

Officers who are seriously ill may, with the consent of the medical officer, be visited by comrades who are in the same hospital or in a neighboring camp. The visiting officers must give their paroles under the same conditions as are prescribed for walks.

9. ORDERLIES

Every general or flag officer shall be entitled to one orderly. Field and commanding officers shall be entitled to one orderly for every four officers. Army captains and subalterns are entitled to one orderly for every seven officers.

Men employed as orderlies should be willing to perform this duty, should be physically fit in every way for the work, and should work only for the officer prisoners.

Orderlies shall be quartered and otherwise treated as well as other prisoners of war of like grades.

The rations and other rights of the orderlies shall not be curtailed on account of any gratuities or gifts in kind which they may receive from the officers.

Orderlies shall if possible be of the same State of Origin as the officers to whom they are assigned.

10. ROLL CALL

A commissioned officer of the Captor State shall be present at all roll calls and there shall not be more than three roll calls per day. When there are adequate reasons the number of roll calls may be increased temporarily. In such case the Secretary of War or his representative must be notified.

11. PHYSICAL EXERCISES

Compulsory physical exercises and drills are forbidden.

ANNEX 3MINIMUM CONDITIONS FOR THE EQUIPMENT AND ORGANIZATION OF
CAMPS FOR PRISONERS OF WAR OTHER THAN OFFICERS

1. HOUSING

Prisoners of war shall be housed in buildings or barracks which must fulfill all requirements of hygiene and be fully protected from inclement weather. Barracks shall, if possible, have wooden floors. If that is not practicable, the floor shall be so constructed that it can be kept hard, dry and clean.

Camps shall not be established in unhealthful locations. Wire fencing shall not be electrified.

(a) Dormitories

The floor space of dormitories shall be on the scale of 3 square meters per head. If beds are placed one above the other, the floor space may be reduced to 2 square meters per head. Rooms shall be sufficiently large to provide each occupant with an air space of 7.5 cubic meters.

(b) Living and dining rooms

In all camps containing at least 100 prisoners of war there shall be dining rooms provided with a sufficient quantity of tables and benches. The floor space shall be on the scale of 0.5 square metres per head. The dining rooms may be used by the prisoners of war for purposes of recreation between meals. In that case they must remain open from reveille until tattoo.

(c) Protection against fire

Every reasonable precaution, in accordance with current engineering practice in the Captor State, shall be taken against the possibility of injury to prisoners of war because of fire. Fire orders providing for the safe and orderly disposition of prisoners of war in case of fire shall be posted in all prison barracks, camps or working camps in the language of the prisoners of war; and the latter as well as the guards shall be fully informed of such orders. These orders shall specifically provide for the temporary release under guard of prisoners of war confined in cells or special disciplinary inclosures.

2. PATHS

Paths habitually in use within the camp shall be kept in serviceable condition even in bad weather.

3. BEDS AND BEDDING

The beds shall be either iron or wooden frames. The bedding shall consist of a soft mattress at least 5 centimeters thick throughout and of two warm covers of adequate dimensions to be supplied by the Captor State. The bed frames shall be raised at least 20 centimeters above the floor. They shall be separated by a space 50 centimeters broad or a dividing wall 40 centimeters high. The contents of the mattress if of straw, paper, seaweed or similar material shall be renewed sufficiently often to insure cleanliness and adequate thickness. The contents must not consist of unclean material. Prisoners of war shall be allowed to keep their own blankets in addition to those provided by the camps.

4. LIGHTING AND HEATING

Lighting shall be sufficient to enable prisoners of war to read and write from dusk until tattoo in the rooms at their disposal for the purpose.

All rooms must be sufficiently heated for the purposes for which they are used.

5. GROUNDS FOR GAMES AND EXERCISES

A space for exercise of sufficient size to permit of outdoor games being played shall be provided in each camp. It shall be sufficient to provide ten square meters for every non-worker. In main and working camps containing more than 100 prisoners of war a special exercise ground shall be provided which the prisoners of war themselves shall prepare. The area shall be on a basis of 250 square meters for 100 prisoners of war and 75 square meters for every additional 100 prisoners of war. Paths may be, but gardens shall not be counted in computing this area.

6. WASHING AND SANITARY ARRANGEMENTS

(a) Bathing and washing arrangements

Adequate facilities for washing must be provided and in the absence of other adequate arrangements there shall be a tap to every 30 men and a shower bath for every 50 men. Suitable provision for washing shall, however, always be made when necessitated by the nature of the work prisoners of war are called upon to perform.

Bathing facilities shall permit of at least one hot bath or hot shower per week of at least five minutes duration. Facilities for washing clothes shall be available at least once a week.

Prisoners of war shall receive an allowance of soap which shall in no case be less than 150 grams per head per month. Prisoners employed on heavy work shall receive an extra allowance.

(b) Sanitary conveniences

Latrines and urinals must conform to the requirements of health and cleanliness and, if in barracks, must be separated from the living rooms.

There must be at least one latrine seat and one meter of urinal trough for every 40 men.

The latrines for use at night shall be outside the sleeping rooms, and, if not in the same buildings, access thereto shall be protected against bad weather.

Latrines shall be lighted at night.

7. CLOTHING AND EQUIPMENT

(a) Clothing

Clothing, underclothing and footwear shall be furnished by the Captor State, the quality of which shall equal that of the same articles furnished for similar purposes to its own armed forces. Furthermore the prisoners of war shall be allowed to receive wearing apparel and other objects of daily use from the designated relief societies. No such consignment shall relieve the Captor State of the obligation of providing clothing, etc. The Captor State shall provide for regular renewal and repair.

Regulation uniforms furnished by the State of Origin or the relief societies shall not be cut for the purpose of applying stripes or other distinctive marks.

Every prisoner of war shall be provided with the following articles: 1 cap, 1 pair cloth trousers, 1 cloth coat or tunic, 1 overcoat, 2 shirts, 2 pairs of drawers, 2 pairs of socks or stockings, 2 pairs of boots or shoes of which one pair may be house shoes or wooden slippers, 1 towel per week.

In addition, each worker shall be provided with a suit of drill overalls whenever the nature of the work requires it.

(b) Equipment

Each prisoner of war shall be given a mess kit and utensils, including a knife, fork and spoon, a drinking cup and a barrack bag or other suitable container for his personal belongings.

8. MEDICAL TREATMENT

(a) Infirmaries

In every camp containing more than 30 prisoners of war there shall be an infirmary. The number of beds shall be three for every hundred prisoners and for every bed there shall be an air space of at least 10 cubic metres. The beds shall each have springs, a mattress, a pillow and sheets.

Special bath and sanitary conveniences shall be provided for the sick.

(b) Hospitals

Prisoners of war under treatment in hospitals shall be given opportunity for being in the open air daily, so far as this is in accordance with the treatment prescribed for them by the medical officers.

Men who are seriously ill may be visited, so far as practicable and subject to the consent of the medical officer, by comrades who are located in the same hospital or in a neighboring camp.

9. PHYSICAL EXERCISES

Compulsory drills and physical exercises shall not last more than one hour per day.

ANNEX 4**REGULATIONS FOR CARRYING OUT THE PUNISHMENT OF OFFICER PRISONERS OF WAR IN PRISON CAMPS AND MILITARY PRISONS****1. HOUSING**

Rooms shall be sanitary, sufficiently large, light, dry, well ventilated by at least one window leading to the open air, and warmed during cold weather; they must be artificially lighted from dusk to 9 P. M. Places of confinement may be secured by locks.

2. FURNITURE

The furniture of the rooms shall consist of a bed with mattress, sufficient blankets and sheets, one table, one chair, a wash-basin, a water pitcher and glass.

3. DIET

Officer prisoners of war under punishment shall receive from the Officers' mess the same diet as those who are not under punishment. They shall not be permitted to buy alcoholic beverages or eatables. They shall be allowed to smoke.

4. EXERCISE

Officer prisoners of war under punishment may take exercise in the open air for 2 hours a day, but must not have communication with their fellows.

5. OCCUPATION

Officer prisoners of war under punishment shall be allowed to read and write and to receive newspapers. If two or more officers are confined in the same room they shall be allowed to talk together. They shall be permitted to play games, but not to gamble.

6. CORRESPONDENCE

Officer prisoners of war under punishment shall be allowed to receive and send the authorized maximum of letters and post cards. However parcels and money addressed to them shall not be delivered until their punishment has expired.

The food contents of parcels shall be handed over to the Officers' mess of the camp. If any Officer prisoner does not receive his food from the Officers' mess, he shall receive the food contents of parcels intended for him, together with facilities and fuel for cooking such food.

7. SANITARY CONVENIENCES

Officer prisoners of war under punishment shall have every reasonable facility for keeping themselves in a state of personal cleanliness. The rooms in which they are confined shall be properly cleaned. Latrines shall be kept clean and odorless. Night stools in the rooms are forbidden, but adequate opportunities for attending to the calls of nature shall be given.

8. ORDERLIES

Orderlies shall be provided for necessary cooking, policing, etc.

9. CLOTHING

Officer prisoners of war under punishment shall be allowed such of their clothing as they may reasonably request.

ANNEX 5

REGULATIONS FOR THE CARRYING OUT OF PUNISHMENTS OF PRISONERS OF WAR OTHER THAN OFFICERS IN PRISON CAMPS AND MILITARY PRISONS

1. HOUSING

Rooms shall be sanitary, sufficiently light, dry, well ventilated and warmed in cold weather. The cubic contents shall at least be $2\frac{1}{2} \times 2\frac{1}{2} \times 1\frac{1}{2}$ meters per head. There need be no artificial lighting.

2. FURNITURE AND CLOTHING

Each room shall be provided with a wooden bed board without a mattress. The bed board shall not be taken from the room. A mattress shall be allowed one night in every four. In the room there shall be a water pitcher and a drinking glass. If washing facilities are not afforded outside of the room, each prisoner of war under punishment shall be furnished a wash basin. They shall be allowed at all times a sufficient number of blankets. They may retain their uniforms and overcoats.

3. DIET

As a punishment, prisoners of war may be put on a bread and water diet. While on bread and water diet they shall receive not less than 500 grams of bread each day and as much drinking water as they wish. Such diet shall not be continued for more than 3 days at a time; nor more than 6 days out of 12 consecutive days; nor more than 12 days in 28; nor more than a total of 80 days in one year. On all other days they shall receive the same full ration as their comrades, including their share of the food supplies received from the designated relief societies. Unless such additional food supplies are turned into the mess for all prisoners together, prisoners of war under punishment shall be granted facilities and fuel for cooking such food on all days on which they are entitled to full ration.

Prisoners of war under punishment who are required to work shall not be put on restricted diet but shall each day receive the same food as their comrades.

Alcoholic beverages and smoking are forbidden.

4. OUTDOOR EXERCISE

Prisoners of war under punishment shall be allowed two hours exercise in the open air every day without having communication with their comrades.

5. EMPLOYMENT

Prisoners of war under punishment may be employed on work during the day. Reading and writing shall be permitted.

6. CORRESPONDENCE

Prisoners of war under punishment shall be allowed to receive and to send the authorized maximum of letters and postcards. However, parcels and money which may be addressed to them shall not be delivered until their punishment has expired. Food stuffs contained in parcels shall be handed over to the prisoner of war mess.

7. SANITATION

Prisoners of war under punishment shall have sufficient facilities for keeping themselves in a state of personal cleanliness. Their rooms shall be properly cleaned. Latrines shall be kept clean and odorless. Night stools in the rooms are forbidden; but sufficient opportunity shall be afforded to attend to calls of nature during the night.

ANNEX 6

CORRESPONDING TITLES AND RANK OF THE SANITARY PERSONNEL OF THE
GERMAN AND AMERICAN LAND AND NAVAL FORCES

[This annex consists of a table.]

ANNEX 7

DEFINITIONS

1. PRISONERS OF WAR

The term "prisoners of war" shall comprise those officers, officials, non-commissioned officers and enlisted or enrolled persons, male or female, of all branches and corps of the army, navy and marine corps whether on the active, retired or reserve lists, who are captured while in the active service of the armed forces of their State of Origin. Sanitary personnel are excluded.

2. CIVIL PRISONERS

The term "civil prisoners" shall comprise all citizens or subjects of either Contracting Party held in confinement by the other for any reason except the violation of the penal laws in force in the territories of the Captor State or any of its subdivisions; inclusive of the officers and members of crews of merchant ships, and exclusive of persons coming within the definition of "prisoners of war," or Article 139 or 140.

3. OFFICERS

The term "officer" shall comprise the officers of all corps of the armed forces, military or naval, of the two Contracting Parties and shall include commissioned, warranted and appointed officers of the United States, "Hilfsoffiziere" of the German navy and officials with the rank of officer in the German army or navy.

4. NON-COMMISSIONED OFFICERS

The term "non-commissioned officer" shall include in the American army corporals, and in the German army or navy "Offiziersstellvertreter" and "Beamtenstellvertreter," "Deckoffiziere," "Vizedeckoffiziere" and "Hilfsdeckoffiziere."

5. STATE OF ORIGIN

The term "State of Origin" shall be held to mean:

- (a) with reference to military or naval personnel, the State in whose armed forces they are commissioned, warranted, appointed, enlisted or enrolled;
- (b) with reference to non-military persons, the State with whose armed forces they are exclusively connected.

6. INVALID AND VALID PRISONERS OF WAR

The term "invalid prisoners of war" shall comprise those who are eligible for internment in a neutral country or repatriation under the terms of this Agreement because of physical or mental unsoundness. All other prisoners of war shall be deemed "valid."

7. REPATRIATION

The term "repatriation" shall, when applied to prisoners of war and sanitary personnel, mean the return to American or German military control; as applied to civilians it is defined in Article 163.

PROPOSED AMERICAN-AUSTRO-HUNGARIAN CONFERENCE

File No. 763.72114A/105a

The Secretary of State to the Ambassador in Spain (Willard)

[Telegram]

WASHINGTON, August 16, 1918, 3 p. m.

1434. Request Spanish Government to inquire whether Austro-Hungarian Government will be disposed to nominate delegates to hold a conference at Berne with American delegates for the purpose of concluding a reciprocal agreement covering matters pertaining to the maintenance, treatment, and exchange of prisoners of war of the two countries. If Austro-Hungarian Government accepts, United States Government proposes that conference be held immediately at the conclusion of the conference between American and German delegates which meets at Berne September 23. Request that inquiry and reply be made by telegraph.

LANSING

File No. 763.72114A/206

The Ambassador in Spain (Willard) to the Secretary of State

[Telegram]

MADRID, October 1, 1918, 1 p. m.

[Received October 2, 1.15 a. m.]

1871. Department's 1434, August 16, 3 p. m., and 1596, September 24, 5 p. m.¹ Spanish Ambassador, Vienna, telegraphs as follows:

Austro-Hungarian Government is disposed to send delegates to the conference at Berne with the United States concerning an agreement relative to the feeding, treatment, and exchange of prisoners of war, asking to be informed as to date of this meeting and proposing also the discussion of the question of the reciprocal treatment and assist in [assistance to] civilians remaining in both belligerent countries.

Have repeated to Berne.

WILLARD

File No. 763.72114A/206

The Secretary of State to the Ambassador in Spain (Willard)

[Telegram]

WASHINGTON, October 3, 1918, 4 p. m.

1629. Your 1871, October 1, 1 p. m. Department instructs you to communicate direct with Garrett relative to the date of the Austro-Hungarian conference and then to communicate his reply to the Austro-Hungarian Government through the proper channels, keeping the Department advised as to the date thus agreed upon.

LANSING

File No. 763.72114A/322

The Minister in Switzerland (Stovall) to the Secretary of State

[Telegram]

BERNE, November 9, 1918, 1 p. m.

[Received November 11, 4.15 a. m.]

5680. Have received note addressed to Swiss Political Department by Austro-Hungarian Legation, stating its Government unable at present time to designate delegates to proposed American-Austro-Hungarian prisoners-of-war conference, and requesting that opening of conference be postponed.

STOVALL

¹ Latter not printed.

File No. 763.72114A/322

The Secretary of State to the Minister in Switzerland (Stovall)

[Telegram]

WASHINGTON, *November 15, 1918, 5 p. m.*

3340. Your 5680, November 9, 1 p. m. In view of the present situation Department considers it advisable to postpone indefinitely American-Austro-Hungarian prisoners-of-war conference and instructs you to take the necessary steps to advise the Austro-Hungarian Government to this effect. The Swiss Government should also be informed that the proposed conference has been indefinitely postponed and you will extend to the Swiss Government the thanks of the United States Government for the courtesy of the Swiss Government in expressing its willingness to preside over this proposed conference. Inform Madrid.

LANSING

II

ENEMY ALIENS

TREATMENT OF ENEMY ALIENS¹

File No. 763.72111Y2/11

The Ambassador in Germany (Gerard) to the Secretary of State

[Telegram]

BERLIN, *February 4, 1917, 4 p. m.*

[Received February 5, 3.25 p. m.]

4993. In conversation with Zimmermann² regarding the *Yarrowdale* he referred to the treaty of 1798 [1799] about subjects of both countries having nine months to leave in case of war and take their goods with them. He said he and I ought to draw up a sort of protocol about this. Please instruct. I think we have many Germans. There are very few real Americans left in Germany.

GERARD

File No. 711.622/5

The Swiss Minister (Ritter) to the Secretary of State

[Translation]

WASHINGTON, *February 10, 1917.*

MR. SECRETARY OF STATE: The German Legation at Berne has communicated the following to the Swiss Political Department (Foreign Office):

The American treaty of friendship and commerce of the 11th of July, 1799, provides by article 23 for the treatment of the subjects or citizens of the two states and their property in the event of war between the two states. This article, which is without question in full force as regards the relations between the German Empire and the United States, requires certain explanations and additions on account of the development of international law. The German Government therefore proposes that a special arrangement be now signed, of which the English text is as follows:³

¹ See also "Prisoners of War—The American-German Conference at Berne," *ante*, p. 60.

² Dr. Artur Zimmermann, German Secretary of State for Foreign Affairs.

³ For comment of the American Ambassador in Germany on the proposed treaty see his telegram of Feb. 12, *Foreign Relations*, 1917, Supplement 1, pp. 588-591.

AGREEMENT BETWEEN GERMANY AND THE UNITED STATES OF AMERICA
CONCERNING THE TREATMENT OF EACH OTHER'S CITIZENS AND THEIR
PRIVATE PROPERTY AFTER THE SEVERANCE OF DIPLOMATIC RELATIONS

ARTICLE 1. After the severance of diplomatic relations between Germany and the United States of America and in the event of the outbreak of war between the two powers, the citizens of either party and their private property in the territory of the other party shall be treated according to article 23 of the treaty of amity and commerce between Prussia and the United States, of the 11th of July, 1799, with the following explanatory and supplementary clauses.

ART. 2. German merchants in the United States and American merchants in Germany shall, so far as the treatment of their persons and their property is concerned, be held in every respect on a par with the other persons mentioned in article 23. They shall accordingly, even after the period provided for in article 23 has elapsed, be entitled to remain and continue their profession in the country of their residence. Merchants as well as the other persons mentioned in article 23 may be excluded from fortified places or other places of military importance.

ART. 3. Germans in the United States and Americans in Germany shall be free to leave the country of their residence within the time and by the routes that shall be assured to them by the proper authorities. The persons departing shall be entitled to take along their personal property, including money, valuables, and bank accounts, excepting such property the exportation of which is prohibited according to general provisions.

ART. 4. The protection of Germans in the United States and of Americans in Germany and of their property shall be guaranteed in accordance with the laws existing in the countries of either party. They shall be under no other restrictions concerning the enjoyment of their private rights and the judicial enforcement of their rights than neutral residents. They may accordingly not be transferred to concentration camps, nor shall their private property be subject to sequestration or liquidation or other compulsory alienation except in cases that under the existing laws apply also to neutrals. As a general rule German property in the United States and American property in Germany shall not be subject to sequestration or liquidation, or other compulsory alienation under other conditions than neutral property.

ART. 5. Patent rights or other protected rights held by Germans in the United States or Americans in Germany shall not be declared void, nor shall the exercise of such rights be impeded, nor shall such rights be transferred to others without the consent of the person entitled thereto, provided that regulations made exclusively in the interest of the state shall apply.

ART. 6. Contracts made between Germans and Americans, either before or after the severance of diplomatic relations, also obligations of all kinds between Germans and Americans, shall not be declared cancelled, void, or in suspension, except under provisions applicable to neutrals. Likewise the citizens of either party shall not be impeded in fulfilling their liabilities arising from such obligations, either by injunctions or by other provisions, unless these apply to neutrals.

ART. 7. The provisions of the sixth Hague convention, relative to the treatment of enemy merchant ships at the outbreak of hostilities, shall apply to the merchant vessels of either party and their cargo. The aforesaid ships may not be forced to leave port unless at the same time they be given a pass, recognized as binding by all the enemy sea powers, to a home port, or a port of an allied country, or to another port of the country in which the ship happens to be.

ART. 8. The regulations of chapter 3 of the eleventh Hague convention, relative to certain restrictions in the exercise of the right of capture in maritime war, shall apply to the captains, officers, and members of the crews of merchant ships specified in article 7, and of such merchant ships as may be captured in the course of a possible war.

ART. 9. This agreement shall apply also to the colonies and other foreign possessions of either party.

I am instructed and have the honor to bring the foregoing to Your Excellency's knowledge and to add that the German Government would consider the arrangement as concluded and act accordingly as soon as the consent of the American Government shall have been communicated to it through the Swiss Government.

Be pleased [etc.]

P. RITTER

File No. 711.622/5

The Secretary of State to the Swiss Minister (Ritter)

No. 416

WASHINGTON, *March 20, 1917.*

SIR: I beg to acknowledge the receipt of your note of February 10 presenting the proposals of the German Government for an interpretative and supplementary agreement as to article 23 of the treaty of 1799. After due consideration, I have to inform you that the Government of the United States is not disposed to look with favor upon the proposed agreement to alter or supplement the meaning of article 23 of this treaty. This position of the Government of the United States, which might under other conditions be different, is due to the repeated violations by Germany of the treaty of 1828 and the articles of the treaties of 1785 and 1799 revived by the treaty of 1828. It is not necessary to narrate in detail these violations, for the attention of the German Government has been called to the circumstances of each instance of violation, but I may here refer to certain of them briefly and in general terms.

Since the sinking of the American steamer *William P. Frye* for the carriage of contraband, there have been perpetrated by the German naval forces similar unwarranted attacks upon and destruction of numerous American vessels for the reason, as alleged, that they were engaged in transportation of articles of contraband, not-

withstanding, and in disregard of article 13 of the treaty of 1799, that "no such articles (of contraband),¹ carried in the vessels, or by the subjects or citizens of either party to the enemies of the other, shall be deemed contraband so as to induce confiscation or condemnation and a loss of property to individuals," and that "in the case . . .² of a vessel stopped for articles of contraband, if the master of the vessel stopped will deliver out the goods supposed to be of contraband nature, he shall be admitted to do it, and the vessel shall not in that case be carried into any port, nor further detained, but shall be allowed to proceed on her voyage."

In addition to the sinking of American vessels, foreign merchant vessels carrying American citizens and American property have been sunk by German submarines without warning and without any adequate security for the safety of the persons on board or compensation for the destruction of the property by such action, notwithstanding the solemn engagement of article 15 of the treaty of 1799 that "all persons belonging to any vessel of War, public or private, who shall molest or insult in any manner whatever the people, vessels or effects of the other party shall be responsible in their persons and property for damages and interest; sufficient security for which shall be given by all commanders of private armed vessels before they are commissioned," and notwithstanding the further stipulation of article 12 of the treaty of 1785 that "the free intercourse & commerce of the Subjects or Citizens of the party remaining neuter with the belligerent powers shall not be interrupted." Disregarding these obligations, the German Government has proclaimed certain zones of the high seas in which it declared without reservation that all ships, including those of neutrals, will be sunk, and in those zones German submarines have, in fact, in accordance with this declaration, ruthlessly sunk merchant vessels and jeopardized or destroyed the lives of American citizens on board.

Moreover, since the severance of relations between the United States and Germany, certain American citizens in Germany have been prevented from removing freely from the country. While this is not a violation of the terms of the treaties mentioned, it is a disregard of the reciprocal liberty of intercourse between the two countries in time of peace, and cannot be taken otherwise than as an indication of a purpose on the part of the German Government to disregard in the event of war the similar liberty of action provided for in article 23 of the treaty of 1799—the very article which it is now proposed to interpret and supplement almost wholly in the interest of the large number of German subjects residing in the United States

¹ Words in parentheses do not appear on treaty.

² Omission indicated in the Secretary's note.

and enjoying in their persons or property the protection of the United States Government. This article provides in effect that merchants of either country residing in the other shall be allowed a stated time in which to remain to settle their affairs and to "depart freely, carrying off all their effects, without molestation or hindrance," and women and children, artisans and certain others, may continue their respective employments and shall not be molested in their persons or property. It is now proposed by the Imperial German Government to enlarge the scope of this article so as to grant to German subjects and German property remaining in the United States in time of war the same treatment in many respects as that enjoyed by neutral subjects and neutral property in the United States.

In view of the clear violations by the German authorities of the plain terms of the treaties in question, solemnly concluded on the mutual understanding that the obligations thereunder would be faithfully kept, in view further of the disregard of the canons of international courtesy and the comity of nations in the treatment of innocent American citizens in Germany, the Government of the United States cannot perceive any advantage which would flow from further engagements, even though they were merely declaratory of international law, entered into with the Imperial German Government in regard to the meaning of any of the articles of these treaties, or as supplementary to them. In these circumstances, therefore, the Government of the United States declines to enter into the special protocol proposed by the Imperial Government.

I feel constrained in view of the circumstances to add that this Government is seriously considering whether or not the treaty of 1828 and the revived articles of the treaties of 1785 and 1799 have not been in effect abrogated by the German Government's flagrant violations of their provisions, for it would be manifestly unjust and inequitable to require one party to an agreement to observe its stipulations and to permit the other party to disregard them. It would appear that the mutuality of the undertaking has been destroyed by the conduct of the German authorities.

Accept [etc.]

ROBERT LANSING

File No. 711.622/6

The Swiss Minister (Ritter) to the Secretary of State

[Translation]

Department of
German Interests

WASHINGTON, *March 30, 1917.*

[*Received March 31.*]

SIR: According to instructions of my Government I have the honor to forward to Your Excellency the following communication of the German Government:

The German Government challenges the assertion that it has violated the treaties of 1785, 1799, and 1828. American citizens may freely leave Germany and for the most part have already done so. That departure from the country is delayed under certain circumstances is to be ascribed to necessary precautionary measures.

Since the provisions of article 12 of the treaty of 1785 and article 13 of the treaty of 1799 do not oppose blockade or obstructions similar to blockade, the U-boat warfare does not contravene them. In turn, Germany has to reproach the United States with a violation of those treaties in that, without justification on the ground of neutrality it prevented the departure, on and after the beginning of the war, of various German merchant vessels, contrary to the treaty of 1828; contrary to article 19 of the treaty of 1799, the American Government, in the *Appam* case,¹ also contested the right of the prize to stay in American ports and permitted judicial proceedings against the prize. Until further notice the German Government will adhere to the maintenance of article 23 of the treaty of 1799, inasmuch as it assumes from the declarations heretofore made by the State Department that the American Government holds the same view for the present situation as well as for a possible state of war; in the same supposition it will place a liberal construction upon the article, that is to say, will not prevent money remittances to the United States, and also, in particular, honor Imperial Treasury certificates and continue to allow Americans to depart.

Accept [etc.]

P. RITTER

Proclamation No. 1364, April 6, 1917, Declaring the Existence of a State of War with the German Empire and Setting Forth Regulations Prescribing Conduct toward Alien Enemies

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the Congress of the United States in the exercise of the constitutional authority vested in them have resolved, by joint resolution of the Senate and House of Representatives bearing date this day "That the state of war between the United States and the Imperial German Government which has . . . been thrust upon the United States is hereby formally declared";

WHEREAS it is provided by Section four thousand and sixty-seven of the Revised Statutes, as follows:

Whenever there is declared a war between the United States and any foreign nation or government, or any invasion or predatory incursion is perpetrated, attempted, or threatened against the territory of the United States, by any foreign nation or government, and the President makes public proclamation of the event, all natives, citizens, denizens, or subjects of the hostile nation or government,

¹ *Foreign Relations*, 1916, Supplement, pp. 722-745.

being males of the age of fourteen years and upwards, who shall be within the United States, and not actually naturalized, shall be liable to be apprehended, restrained, secured, and removed, as alien enemies. The President is authorized, in any such event, by his proclamation thereof, or other public act, to direct the conduct to be observed, on the part of the United States, toward the aliens who become so liable; the manner and degree of the restraint to which they shall be subject, and in what cases, and upon what security their residence shall be permitted, and to provide for the removal of those who, not being permitted to reside within the United States, refuse or neglect to depart therefrom; and to establish any other regulations which are found necessary in the premises and for the public safety;

WHEREAS, by Sections four thousand and sixty-eight, four thousand and sixty-nine, and four thousand and seventy, of the Revised Statutes, further provision is made relative to alien enemies;

NOW, THEREFORE, I, WOODROW WILSON, President of the United States of America, do hereby proclaim to all whom it may concern that a state of war exists between the United States and the Imperial German Government; and I do specially direct all officers, civil or military, of the United States that they exercise vigilance and zeal in the discharge of the duties incident to such a state of war; and I do, moreover, earnestly appeal to all American citizens that they, in loyal devotion to their country, dedicated from its foundation to the principles of liberty and justice, uphold the laws of the land, and give undivided and willing support to those measures which may be adopted by the constitutional authorities in prosecuting the war to a successful issue and in obtaining a secure and just peace;

And, acting under and by virtue of the authority vested in me by the Constitution of the United States and the said sections of the Revised Statutes, I do hereby further proclaim and direct that the conduct to be observed on the part of the United States towards all natives, citizens, denizens, or subjects of Germany, being males of the age of fourteen years and upwards, who shall be within the United States and not actually naturalized, who for the purpose of this proclamation and under such sections of the Revised Statutes are termed alien enemies, shall be as follows:

All alien enemies are enjoined to preserve the peace towards the United States and to refrain from crime against the public safety, and from violating the laws of the United States and of the States and Territories thereof, and to refrain from actual hostility or giving information, aid or comfort to the enemies of the United States, and to comply strictly with the regulations which are hereby or which may be from time to time promulgated by the President; and so long as they shall conduct themselves in accordance with law,

they shall be undisturbed in the peaceful pursuit of their lives and occupations and be accorded the consideration due to all peaceful and law-abiding persons, except so far as restrictions may be necessary for their own protection and for the safety of the United States; and towards such alien enemies as conduct themselves in accordance with law, all citizens of the United States are enjoined to preserve the peace and to treat them with all such friendliness as may be compatible with loyalty and allegiance to the United States.

And all alien enemies who fail to conduct themselves as so enjoined, in addition to all other penalties prescribed by law, shall be liable to restraint, or to give security, or to remove and depart from the United States in the manner prescribed by Sections four thousand and sixty-nine and four thousand and seventy of the Revised Statutes, and as prescribed in the regulations duly promulgated by the President;

And pursuant to the authority vested in me, I hereby declare and establish the following regulations, which I find necessary in the premises and for the public safety:

(1) An alien enemy shall not have in his possession, at any time or place, any fire-arm, weapon or implement of war, or component part thereof, ammunition, maxim or other silencer, bomb or explosive or material used in the manufacture of explosives;

(2) An alien enemy shall not have in his possession at any time or place, or use or operate any aircraft or wireless apparatus, or any form of signalling device, or any form of cipher code, or any paper, document or book written or printed in cipher or in which there may be invisible writing.

(3) All property found in the possession of an alien enemy in violation of the foregoing regulations shall be subject to seizure by the United States;

(4) An alien enemy shall not approach or be found within one-half of a mile of any Federal or State fort, camp, arsenal, aircraft station, Government or naval vessel, navy yard, factory, or workshop for the manufacture of munitions of war or of any products for the use of the army or navy:

(5) An alien enemy shall not write, print, or publish any attack or threats against the Government or Congress of the United States, or either branch thereof, or against the measures or policy of the United States, or against the person or property of any person in the military, naval, or civil service of the United States, or of the States or Territories, or of the District of Columbia, or of the municipal governments therein;

(6) An alien enemy shall not commit or abet any hostile act against the United States, or give information, aid, or comfort to its enemies;

(7) An alien enemy shall not reside in or continue to reside in, to remain in, or enter any locality which the President may

from time to time designate by Executive Order as a prohibited area in which residence by an alien enemy shall be found by him to constitute a danger to the public peace and safety of the United States, except by permit from the President and except under such limitations or restrictions as the President may prescribe;

(8) An alien enemy whom the President shall have reasonable cause to believe to be aiding or about to aid the enemy, or to be at large to the danger of the public peace or safety of the United States, or to have violated or to be about to violate any of these regulations, shall remove to any location designated by the President by Executive Order, and shall not remove therefrom without a permit, or shall depart from the United States if so required by the President;

(9) No alien enemy shall depart from the United States until he shall have received such permit as the President shall prescribe, or except under order of a court, judge, or justice, under Sections 4069 and 4070 of the Revised Statutes;

(10) No alien enemy shall land in or enter the United States, except under such restrictions and at such places as the President may prescribe;

(11) If necessary to prevent violations of these regulations, all alien enemies will be obliged to register;

(12) An alien enemy whom there may be reasonable cause to believe to be aiding or about to aid the enemy, or who may be at large to the danger of the public peace or safety, or who violates or attempts to violate, or of whom there is reasonable ground to believe that he is about to violate, any regulation duly promulgated by the President, or any criminal law of the United States, or of the States or Territories thereof, will be subject to summary arrest by the United States Marshal, or his deputy, or such other officer as the President shall designate, and to confinement in such penitentiary, prison, jail, military camp, or other place of detention as may be directed by the President.

This proclamation and the regulations herein contained shall extend and apply to all land and water, continental or insular, in any way within the jurisdiction of the United States.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington, this sixth day of April, in the year of our Lord one thousand nine hundred and seven-
[SEAL] teen, and of the independence of the United States the one hundred and forty-first.

WOODROW WILSON

By the President:

ROBERT LANSING,

Secretary of State.

File No. 763.72115/3107

The Minister in China (Reinsch) to the Secretary of State

[Telegram]

PEKING, April 19, 1917, 5 p. m.

[Received April 19, 9.30 a. m.]

Please inform me whether Germans not of military age or German women or children may be permitted to enter the United States in case of pressing wants.

REINSCH

File No. 763.72115/3107

The Secretary of State to the Minister in China (Reinsch)

[Telegram]

WASHINGTON, April 21, 1917, 5 p. m.

Your telegram, April 19. No enemy alien allowed to enter this country without special permit of Department of Justice. Do not visa passports of Germans proposing to come to this country without previously reporting facts fully and obtaining special authorization in each case.

LANSING

File No. 711.622/6a

The Secretary of State to President Wilson

WASHINGTON, April 21, 1917.

MY DEAR MR. PRESIDENT: I enclose a copy of article 23 of the treaty of 1799 with Prussia,¹ which provides that "merchants of either country then residing in the other, shall be allowed to remain nine months to collect their debts and settle their affairs, and may depart freely, carrying off all their effects (*biens*), without molestation or hindrance." This treaty, in my opinion, is in force until terminated in accordance with the terminating article of the treaty requiring a 12 months' notice, or abrogated by the President with the consent of the Senate.

As it would be unfortunate to open the war by tearing up a treaty, I assume that it is your opinion that the treaty should not be abrogated. If it should be terminated by 12 months' notice, the provision just quoted would not prevent the emigration from the United States of Germans or German agents bent on missions in Mexico or other countries inimicable to the United States if not endangering its safety. Under your proclamation of April 6, an enemy alien is

¹ Enclosure not printed; for text of treaty see Hunter Miller, *Treaties and Other International Acts of the United States of America*, vol. II, p. 433.

not allowed to leave the United States except he has received such a permit as the President shall prescribe. Under the treaty provision, however, he would seem to be entitled to leave the United States "freely," subject possibly only to reasonable restrictions. While regulations governing the issuance of permits are being prepared, I am advised that 25 or 30 persons holding themselves out as alien enemies have applied to cross the border into Mexico, and have been prevented from doing so except in three or four cases, the prevention being accomplished by detaining them in detention camps on the border as the only safe method of keeping them from crossing the line on foot. If the treaty provision is in force, detention of such alien enemies is likely to give rise to claims for indemnity by Germany after the war, as well as to the charge that we are violating the treaty. Yet it would seem important for national safety that certain Germans should not be allowed to leave the United States under any circumstances.

It is obvious that to hold that legally the treaty is in force and yet to protect the United States against its enemies are irreconcilable. This Department as well as the Department of Justice and perhaps other Departments is being flooded with inquiries as to whether this treaty provision is in force, and if so, whether Germans may freely leave the United States. It is important that these inquiries be answered without evasion. One suggestion has been made to me that we state that, while the treaty is technically in force because it has not been terminated by 12 months' notice in accordance with its terms, yet the violation by Germany of other articles of the treaty render it doubtful as to whether she has not in effect abrogated the treaty by her flagrant violations of its provisions, and that therefore the United States feels free to prevent the departure of its enemies except under reasonable regulations made for the protection of the national safety.

Faithfully yours,

ROBERT LANSING

File No. 711.622/12

President Wilson to the Secretary of State

WASHINGTON, May 8, 1917.

MY DEAR MR. SECRETARY: I am sorry not to have sent you sooner an answer to the very important question stated in the enclosed letter.¹ The fact of the matter is that it has given me not a little trouble to arrive at a right solution of the quandary, if, indeed, I have arrived at such a solution.

It is clear to me, as it is to you, that we cannot arbitrarily ignore this treaty. It was made for war, not for peace,—for just such relations between ourselves and Germany as have now arisen; and

¹ *Supra.*

I do not feel that Germany's playing fast and loose with the obligations of this treaty, as of all others, affords, *for us* who are proud to observe obligations and would like to set an example, a sufficient ground for repudiating our own promises under it.

At the same time, it is clear to me that the treaty cannot have had in its contemplation any subjects of Germany living in this country except those whose conduct and purpose were peaceable and consistent (so far as they were concerned) with the peace and security of the United States. It cannot have been intended to extend privileges to those who might from any reasonable point of view be thought to be plotting or intending mischief against us.

I should say, therefore, that it was our duty to allow all German citizens resident in this country the full nine months stipulated in which "to collect their debts and settle their affairs" and to permit them to "depart freely, carrying off all their effects without molestation or hindrance"; but that it was our privilege to discriminate amongst them just as we are discriminating amongst those alien enemies who remain in residence here, distinguishing and restraining those whom we have reason to believe to entertain purposes hostile or inimical to the United States. Such persons ought not to be permitted to leave our territory freely or to carry their effects into a neighbouring country where it is known that they will in all probability have a better opportunity to do us harm than they would have if they remained here. This line will be hard to draw, no doubt, but it will be as practicable to draw it amongst those leaving the country as amongst those who remain in it.

Faithfully yours,

W[OODROW] W[ILSON]

File No. 711.622/12

*The Secretary of State to the Attorney General (Gregory)*¹

WASHINGTON, May 9, 1917.

MY DEAR MR. ATTORNEY GENERAL: With reference to the question of the interpretation of article 23 of the treaty of 1799 between the United States and Prussia and whether or not the treaty is binding so far as this Government is concerned, I enclose for your information copy of a letter dated May 8 from the President² giving his views in reply to my letter to him of the 21st ultimo.³ A copy of the treaty article referred to is also enclosed.⁴

Sincerely yours,

ROBERT LANSING

¹ The same, on the same date, to the Secretary of Labor.

² *Supra*.

³ For a further statement concerning the validity of the treaty of 1799 see instructions to the chairman of the American Commission to the Prisoners of War Conference, Aug. 22, 1918, *ante*, p. 86.

⁴ Enclosure not printed.

File No. 763.72/4573

The Minister in Sweden (Morris) to the Secretary of State

[Telegram]

STOCKHOLM, *May 11, 1917, 6 p. m.*[Received *May 12, 3 a. m.*]

353. I am informed by a reliable American, who yesterday returned from Germany where he has been chief representative of an important American newspaper, following information:

Shortly after diplomatic relations were severed German Chamber of Commerce issued figures showing that there were about 400 Americans remaining in Germany. Last week they stated that there were then about 300, of which approximately 150 are in Berlin. No restrictions are put on Americans except that they must report daily to the police authorities and be in their homes by 10 o'clock at night unless they receive special permission to remain out longer. There is no particular bitterness or animosity against Americans. German officials still adopt the policy that Germany has not declared itself at war with the United States and does not recognize in its conduct that a state of war exists.

There have been large increases in the supply of meat throughout Germany at a reduced price which the Government has fixed for meat. On the other hand the cereal and bread rations have been materially decreased. This increase of meat supply may indicate that Germany is unable to obtain sufficient fodder for live stock and therefore finds it necessary to increase its slaughter.

Complete order seems to prevail throughout Germany and there are no serious epidemics of disease, or riots. The mass of the people still feel sure of ultimate victory. Informant in calling at the Foreign Office last week before his departure was told by the officials there that while Germany recognized the seriousness and gravity of America's entering the war, still they felt that it would be a long time before America would be able to obtain trained troops and equipment necessary to become an effective factor in the war. The officials throughout Germany seem to be anxious not to irritate or annoy Americans, probably because they fear retaliation on the great number of German subjects now in America.

MORRIS

File No. 311.62/51a

The Secretary of State to the Swiss Minister (Ritter)

No. 473

WASHINGTON, *May 17, 1917.*

SIR: I have the honor to refer to a conversation which your Secretary had with the Department of State on May 16, concerning the desire of the Prisoners of War Relief Committee, of New York

City, to distribute funds to needy German subjects in the United States. In that conversation your Secretary inquired whether the Department would have any objection to such distribution.

In reply I have the honor to advise you that, after careful consideration, I perceive no objection to the proposal, provided that your Legation exercises a general supervision of the distribution of funds in question and will see to it that only those German subjects who are really in want shall receive financial assistance, which should not be in greater individual amounts than required by their actual needs.

Accept [etc.]

ROBERT LANSING

File No. 355.11/673

The Secretary of State to the Ambassador in Spain (Willard)

[Telegram]

WASHINGTON, May 21, 1917, 3 p. m.

479. For Berlin:

Department has received positive information that American citizens in Belgium and Germany, who have been endeavoring for some time to leave, are not yet permitted to do so by German authorities. As an example of undue detention may be mentioned the cases of two Americans, Clayton and Whipple, in Antwerp. Department is at a loss to understand the reason thereof, as this Government has always acted promptly on applications of German subjects leaving the United States.

Please bring the foregoing urgently to the attention of the Imperial Government and ask for a full and definite statement of its attitude towards the departure of American citizens in Germany and German occupied territory.

LANSING

File No. 355.11/690

The Ambassador in Spain (Willard) to the Secretary of State

[Telegram]

MADRID, June 28, 1917, 11 a. m.

[Received midnight.]

641. Department's 504, June 1, 4 p. m.,¹ concerning detention of Americans in Germany. Spanish Ambassador at Berlin wires:

The German Government to the insistent and repeated demands made on the subject repeats that all desiring to leave Germany may do so after having secured the necessary permits and visas. The numerous formalities which the military authorities require and the

¹ Not printed; see Department's telegram of May 21, *supra*.

slowness in carrying them out is the cause of the difficulties and delays experienced, and these are the same for Germans and neutrals. Minister of Foreign Affairs has again given instructions to competent authorities to hasten as much as possible the formalities and permits connected with departure of Americans.

Spanish Ambassador feels it his duty to call attention to the formalities and difficulties encountered by Germans desiring to leave United States and refers to the alarm caused in Germany by a note which it appears the Department of State sent to the Legation in Switzerland; that it is understood that only women and children are allowed to leave the United States; and on account of this fear the efforts of the Spanish Ambassador in behalf of departure of Americans are made difficult.

WILLARD

File No. 355.11/690

The Acting Secretary of State to the Ambassador in Spain (Willard)

[Telegram]

WASHINGTON, July 10, 1917, 5 p. m.

584. It appears from your 641, June 28, 11 a. m., that German Government is under the impression that German women and children only are permitted to leave the United States. Request Foreign Office to instruct Spanish Ambassador at Berlin to state to German Government that this is not the fact; that German women and children up to 14 years of age are under no restrictions as to departure, and that German males 14 years old and over may also leave if applications which they are required to make are acted upon favorably. Such applications have been freely granted until recently, but are now temporarily held up pending a statement from the German Government as to their attitude towards the departure of Americans from Germany and proofs that those Americans who wish to leave are not being unduly detained by German authorities.

POLK

File No. 763.72111/5289

The Acting Secretary of State to the Swiss Minister (Ritter)

MEMORANDUM

The Acting Secretary of State presents his compliments to the Minister of Switzerland, in charge of German interests in the United States, and referring to the Minister's memorandum of June 19, 1917,¹ in which he requests to be informed, for his own advice and

¹ Not printed.

guidance, regarding the status of German subjects at present detained at Ellis Island, exclusive of those persons formerly members of the crews of German merchant vessels, has the honor to advise him of the receipt of a letter from the Assistant Secretary of Labor, dated the 9th instant, in substance as follows:

The only German aliens (other than those removed from German merchant vessels) now being detained at the Ellis Island Immigration Station, or other immigration stations throughout the country, are those who have arrived at ports of this country and have been denied admission, they being held for deportation until such time as that action can be taken with safety to the aliens involved; those who have been apprehended within this country, found to be subject to expulsion under the immigration laws, and removed to an immigration station pending an opportunity to return them to their native land; and those who have been taken into custody by officials of the Department of Justice under regulation 12 of the President's proclamation of April 6¹ and have been placed in the care of the Immigration Service for detention. The status of the two former classes is that of aliens subject to deportation, they merely being held in order that they may receive proper care and attention and be available for such deportation when that course can safely be pursued. The status of the latter class (those held under regulation 12 of the President's proclamation) is that of alien enemies interned for the duration of hostilities with the government to which they claim allegiance, or until such time as it is deemed they can be released without danger to this country. These aliens are not, in any sense, considered as prisoners of war. They are civilians whom it is deemed best, for one reason or another, to hold in detention for the time being.

WASHINGTON, July 20, 1917.

File No. 763.72114/2769

The Secretary of State to the Swiss Chargé (Hübscher)

MEMORANDUM

The Secretary of State presents his compliments to the Chargé d'Affaires of Switzerland, in charge of German interests in the United States, and has the honor to acknowledge the receipt of his memorandum of July 5, 1917,² requesting that the Legation be furnished with a full list of all Germans detained as suspicious aliens, giving, wherever possible, the place of detention and the charges preferred against such persons.

¹Ante, p. 165.

²Not printed.

In reply the Secretary of State has the honor to transmit herewith copy of the list in question ¹ in quadruplicate, showing the names and places of arrest, dates of arrest, present places of detention, and dates of release or parole wherever such release or parole has been made. This list, it is believed by the Department of Justice, is complete and accurate up to the date of July 5, 1917.

The Department of Justice is, however, not in a position to give the details of the charges preferred against such persons, inasmuch as persons whose names appear on this list have all been arrested under regulation No. 12 of the President's proclamation of April 6, 1917, which is as follows:

An alien enemy whom there may be reasonable cause to believe to be aiding or about to aid the [enemy, or who may be at large to the danger of the] public peace or safety, or who violates or attempts to violate, or of whom there is reasonable ground to believe that he is about to violate, any regulation duly promulgated by the President, or any criminal law of the United States, or of the States or Territories thereof, will be subject to summary arrest by the United States Marshal, or his deputy, or such other officer as the President shall designate, and to confinement in such penitentiary, prison, jail, military camp, or other place of detention as may be directed by the President.

Under this proclamation the Attorney General, to whom the President has assigned the administration of the proclamation, orders arrest whenever it appears that the interests of the United States so demand and on such evidence as satisfies him that the arrest is so required.

WASHINGTON, August 9, 1917.

File No. 763.72114/2931a

The Secretary of State to the Secretary of Labor (Wilson)

WASHINGTON, August 27, 1917.

SIR: For the information of the Department of State, I have the honor to request that, if convenient and proper, you be so kind as to advise it regarding the following points connected with German subjects detained under the jurisdiction of your Department.

(1) Whether prisoners of German nationality detained at temporary stations such as Ellis Island, Angel Island, Gloucester City, etc., are governed in their daily life by military law and are subject to the orders of any member or members of the armed forces of the United States Army.

¹ Not printed.

(2) Whether prisoners of a like category when transferred to permanent detention camps such as Hot Springs, N. C., etc., come in any way whatsoever under the jurisdiction of the War Department.

(3) Whether such prisoners are receiving or are to receive treatment and privileges similar to those accorded prisoners of war, or whether the Department of Labor regards them as a distinct category which enjoys privileges and restrictions of a special nature.

Provided the Department of Labor does not recognise such prisoners as enjoying the same rights as prisoners of war, I would be glad to receive such information as you consider advisable to furnish me regarding the exact nature of the rules laid down by the Department of Labor governing these prisoners.

I have [etc.]

ROBERT LANSING

File No. 355.11/728

The Ambassador in Spain (Willard) to the Secretary of State

[Telegram]

MADRID, *September 6, 1917.*

[Received 12 midnight.]

774. Department's 567, July 2.¹ German authorities have decided to grant passports to Clayton and Whipple, who will receive them in a few days.

WILLARD

File No. 763.72114/2906

The Assistant Secretary of Labor (Post) to the Secretary of State

WASHINGTON, *September 22, 1917.*

[Received September 25.]

SIR: I have the honor to acknowledge receipt of your letter of September 15 [August 27], propounding three inquiries in reference to German subjects detained under the jurisdiction of this Department. These inquiries are answered as follows:

1. The interned Germans temporarily detained at Ellis Island, Angel Island, Gloucester City, Boston, and New Orleans, are not governed by military law, nor are they subject to the order of any member or members of the armed forces of the United States Army. Military guard is maintained at Ellis Island and Gloucester City, to guard the exterior property of these stations, but the interned persons are directly under the control of civilian officers of the Department of Labor.

¹ Not printed.

2. German aliens, who are placed in the internment station at Hot Springs, N. C., are entirely under civilian guard, and are in no way subject to the jurisdiction of the War Department.

3. Interned Germans at the immigration stations are subject to the discipline applied to all aliens detained at these stations under the immigration laws, and in the absence of accurate knowledge as to the discipline maintained at similar camps under the military authorities, I am not in a position to state how far the restrictions correspond; from the little information at hand, it appears likely that greater privileges are permissible under civilian control than under military direction.

At the Hot Springs internment station, the honor system prevails, and the discipline of the detained men is greatly assisted by the work of a committee, elected by the men themselves. The fact is, that there has been but one escape from the Hot Springs station, and no unsuccessful attempts along that line have been reported. Up to the present time, the greater number of the Germans detained at that place have been ships' officers, and as most of them are men of superior intelligence, the problem of looking after them has been greatly simplified. The camp for the ordinary crewmen (sailors, etc.) is just being completed, and it is, of course, impracticable to state at this time that the system hitherto followed can be pursued with equally good results, if applied to the proposed tenants of the new camp.

Respectfully,

LOUIS F. POST

[For regulations regarding mail of interned aliens in the United States, see memorandum of the Secretary of State to the Swiss Minister, September 24, 1917, *ante*, page 11.]

File No. 763.72115/3186

The Secretary of State to Mr. Amos H. Englebeck, Akron, Ohio

WASHINGTON, *October 2, 1917.*

SIR: The Department has received your letter of September 7, 1917,¹ requesting to be referred to the treaty or convention to which the United States is a signer, which regulates the standing of alien enemies in the courts of our country while we are engaged in war.

In reply you are informed that it appears the United States is bound by no treaty or convention regulating, while it is at war, the standing of alien enemies in the courts of this country. With respect to treaties generally, between the years 1776 and 1913, to which the United States is a party, the Department may refer you to Malloy's *Treaties, Conventions, International Acts, Protocols and Agreements*

¹ Not printed.

between the United States of America and Other Powers, 1776-1909, and the supplemental volume, 1910-1913, compiled by Garfield Charles. These publications will doubtless be found in any large public library.

I am [etc.]

For the Secretary of State:

WILLIAM PHILLIPS
Assistant Secretary

File No. 763.72114/2832

The Secretary of State to the Swiss Minister (Sulzer)

MEMORANDUM

The Secretary of State presents his compliments to the Minister of Switzerland, in charge of German interests in the United States, and has the honor to acknowledge the receipt of a memorandum of July 28, 1917, from the Legation of Switzerland,¹ inquiring as to the policy which the Government of the United States is pursuing towards German subjects in the United States who are either active members or reservists in the military establishment of the German Empire, and whether the Government of the United States purposes to intern these persons as prisoners of war, or whether they are to be allowed to retain their liberty, and under what conditions.

In reply the Secretary of State has the honor to inform the Minister of Switzerland that except crews of certain armed naval vessels now held as prisoners of war, active members of or reservists in the military establishment of the German Empire now in the territorial limits of the United States will be treated as regards internment on the same grounds as civilian enemy aliens residing within the same limits and only subjected to internment when their acts are in conflict with the rules of conduct laid down for alien enemies in the President's proclamation of April 6, 1917, unless the national safety and public welfare shall require the Government to follow another course.

WASHINGTON, *October 11, 1917.*

File No. 763.72114/3602

The Assistant Attorney General (Warren) to the Assistant Secretary of State (Phillips)

WASHINGTON, *October 12, 1917.*

MY DEAR MR. PHILLIPS: I have received your letter of October 9, 1917,¹ enclosing memorandum by Mr. Grew relative to the status of German prisoners of war. I will give this my careful consideration, and after conferring with others here in the Department who are

¹ Not printed.

now interested in the questions presented, I will endeavor to have a personal conference with you and Mr. Gr ew.

Incidentally, I desire to point out that this Department takes the position that alien enemies arrested and detained under the President's proclamation of April 6, 1917, are not "prisoners of war," and have not and should not be given the status of "prisoners of war."

Yours cordially,

CHARLES WARREN

File No. 763.72111/5676

The Secretary of State to the Swiss Minister (Sulzer)

No. 16

WASHINGTON, October 22, 1917.

SIR: I have the honor to acknowledge the receipt of your memorandum of September 28, 1917,¹ and previous correspondence regarding the conditions under which interned Germans have been held at the immigration station, Angel Island, Calif.

In reply I have the honor to inform you that the Department of State has now been advised that the Department of Labor, which has jurisdiction over the interned aliens who have been unable to comply with the immigration laws, is now able to carry out its original plan with regard to this class of aliens. It has recently given instructions to the Director of Internment to remove all the officers and men, whom it has heretofore been necessary to hold at the immigration station at Angel Island, San Francisco Harbor, to the newly constructed and fully equipped internment station at Hot Springs, N. C.

In advising the Department of State of the above, the Department of Labor reiterates the statement that it was never intended that these alien enemies should be detained for any considerable length of time at the Angel Island station. They were taken to Angel Island because it was the best, most convenient and from every point of view the safest place for their internment immediately available, pending such a time as the more suitable and regular internment camp could be established at Hot Springs.

Accept [etc.]

ROBERT LANSING

Proclamation No. 1408, November 16, 1917, Setting Forth Additional Regulations Prescribing Conduct toward Alien Enemies

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the Congress of the United States in the exercise of the constitutional authority vested in them have resolved, by joint

¹Not printed.

resolution of the Senate and House of Representatives bearing date of April 6th, 1917, "That the state of war between the United States and the Imperial German Government which has been thrust upon the United States is hereby formally declared";

WHEREAS it is provided by Section four thousand and sixty-seven of the Revised Statutes, as follows;

Whenever there is declared a war between the United States and any foreign nation or government, or any invasion or predatory incursion is perpetrated, attempted or threatened against the territory of the United States, by any foreign nation or government, and the President makes public proclamation of the event, all natives, citizens, denizens, or subjects of the hostile nation or government, being males of the age of fourteen years and upwards, who shall be within the United States, and not actually naturalized, shall be liable to be apprehended, restrained, secured, and removed, as alien enemies. The President is authorized, in any such event, by his proclamation thereof, or other public act, to direct the conduct to be observed, on the part of the United States, toward the aliens who become so liable; the manner and degree of the restraint to which they shall be subject, and in what cases, and upon what security their residence shall be permitted, and to provide for the removal of those who, not being permitted to reside within the United States, refuse or neglect to depart therefrom; and to establish any other regulations which are found necessary in the premises and for the public safety;

WHEREAS, by Section four thousand and sixty-eight, four thousand and sixty-nine, and four thousand and seventy, of the Revised Statutes, further provision is made relative to alien enemies;

AND WHEREAS, by a proclamation dated April 6th, 1917,¹ I declared and established certain regulations prescribing the conduct of alien enemies;

Now, THEREFORE, I, WOODROW WILSON, President of the United States of America, pursuant to the authority vested in me, hereby declare and establish the following regulations, additional and supplemental to those declared and established by said proclamation of April 6th, 1917, which additional and supplemental regulations I find necessary in the premises and for the public safety:

(13) An alien enemy shall not approach or be found within one hundred yards of any canal; nor within one hundred yards of any wharf, pier or dock used directly by or by means of lighters by any vessel or vessels of over five hundred (500) tons gross engaged in foreign or domestic trade other than fishing; nor within one hundred yards of any warehouse, shed, elevator, railroad terminal or other terminal, storage or transfer facility adjacent to or operated in connection with any such wharf, pier or dock; and wherever the distance between any two of such wharves, piers or docks, measured along the shore line connecting them, is less than eight hundred and eighty yards, an alien enemy shall

¹Ante, p. 165.

not approach or be found within one hundred yards of such shore line.

(14) Whenever the Attorney General of the United States deems it to be necessary, for the public safety and the protection of transportation, to exclude alien enemies from the vicinity of any warehouse, elevator or railroad depot, yard or terminal which is not located within any prohibited area designated by this proclamation or the proclamation of April 6th, 1917, then an alien enemy shall not approach or be found within such distance of any such warehouse elevator, depot, yard or terminal as may be specified by the Attorney General by regulation duly made and declared by him; and the Attorney General is hereby authorized to fix, by regulations to be made and declared from time to time, the area surrounding any such warehouse, elevator, depot, yard or terminal from which he deems it necessary, for the public safety and the protection of transportation to exclude alien enemies.

(15) An alien enemy shall not, except on public ferries, be found on any ocean, bay, river or other waters within three miles of the shore line of the United States or its territorial possessions; said shore line for the purpose of this proclamation being hereby defined as the line of sea coast and the shores of all waters of the United States and its territorial possessions connected with the high seas and navigable by ocean going vessels; nor on any of the Great Lakes, their connecting waters or harbors, within the boundaries of the United States.

(16) No alien enemy shall ascend into the air in any airplane, balloon, airship, or flying machine.

(17) An alien enemy shall not enter or be found within the District of Columbia.

(18) An alien enemy shall not enter or be found within the Panama Canal Zone.

(19) All alien enemies are hereby required to register at such times and places and in such manner as may be fixed by the Attorney General of the United States and the Attorney General is hereby authorized and directed to provide, as speedily as may be practicable, for registration of all alien enemies and for the issuance of registration cards to alien enemies and to make and declare such rules and regulations as he may deem necessary for effecting such registration; and all alien enemies and all other persons are hereby required to comply with such rules and regulations; and the Attorney General in carrying out such registration, is hereby authorized to utilize such agents, agencies, officers and departments of the United States and of the several states, territories, dependencies and municipalities thereof and of the District of Columbia as he may select for the purpose, and all such agents, agencies, officers and departments are hereby granted full authority for all acts done by them in the execution of this regulation when acting by the direction of the Attorney General. After the date fixed by the Attorney General for

such registration, an alien enemy shall not be found within the limits of the United States, its territories or possessions, without having his registration card on his person.

(20) An alien enemy shall not change his place of abode or occupation or otherwise travel or move from place to place without full compliance with any such regulations as the Attorney General of the United States may, from time to time, make and declare; and the Attorney General is hereby authorized to make and declare, from time to time, such regulations concerning the movements of alien enemies as he may deem necessary in the premises and for the public safety, and to provide in such regulations for monthly, weekly or other periodical report by alien enemies to federal, state or local authorities; and all alien enemies shall report at the times and places and to the authorities specified in such regulations.

This proclamation and the regulations herein contained shall extend and apply to all land and water, continental or insular, in any way within the jurisdiction of the United States.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE in the District of Columbia, this sixteenth day of November, in the year of our Lord one thousand nine hundred and [SEAL] seventeen, and of the independence of the United States the one hundred and forty-second.

WOODROW WILSON

By the President:

FRANK L. POLK

Acting Secretary of State.

File No. 763.72114/3063

The Secretary of War (Baker) to the Secretary of State

WASHINGTON, *November 23, 1917.*

[Received November 24.]

SUBJECT: Employment of Prisoners of War in the United States.

1. No plans have heretofore been made by the War Department for the regular employment of prisoners of war and of interned aliens.

The beneficial effect of such employment upon the health and well-being of these prisoners, as well as the public benefit to be derived from this employment, are considerations that indicate the desirability of the adoption of definite plans in this regard.

2. The present plans of the Department contemplate:

(a) That the prisoners held at the various War Prison Barracks in the United States may, when sufficient in number to warrant such employment, be employed on road work in the State in which these barracks are located and in the States adjacent thereto.

(b) That this road work shall be undertaken on roads having, as far as practicable, a national as well as a local value, and on roads and trails lying within and adjacent to the forestry reserves, Indian reservations and the national forests.

(c) That the War Department shall continue the responsibility of guarding, rationing, quartering, clothing, transporting, and disciplining these prisoners and of providing them with medical attention.

(d) That the State employing the prisoners shall furnish the equipment, tools, and materials required for the road construction work, shall be charged with the plans and specifications for the work and with its superintendence, under such regulations as may be established by the Secretary of War.

(e) That the State employing the prisoners shall pay to the War Department a fixed per diem wage to be agreed upon by the War Department and the State, and that these funds, after deducting the cost of the maintenance of the prisoners concerned, shall be held by the prison authorities to their individual credit.

This plan was, after a conference on September 12 of the representatives of the interests involved, agreed upon by the Forest Service, the Office of Public Roads, the United States Geological Survey, and by representatives of Virginia, West Virginia, North Carolina, South Carolina, Tennessee and Kentucky.

This plan of utilizing these prisoners chiefly for road work is based upon recommendations, submitted at my request, by the National Committee on Prisons and Prison Labor after conference with representatives of the Forest Service, the Office of Public Roads, and the United States Geological Survey.

3. It is contemplated also, in exceptional cases, when the circumstances warrant the employment of these prisoners to prevent the loss of crops ready for harvesting, or for other similar purposes, to permit these prisoners, with their consent, to work for private persons or corporations for limited periods under essentially the same rules and regulations as are indicated in the preceding paragraph as to be applied in the case of work for the public service.

4. In connection with the preparation of regulations, it is requested that I be advised as to whether or not the plans above outlined meet with your general approval.

In this connection, your attention is invited to the fact that precedents exist, in the principal nations engaged in the present war, for the proposed procedure.

NEWTON D. BAKER

File No. 763.72114/3063

The Secretary of State to the Secretary of War (Balcer)

WASHINGTON, December 4, 1917.

SIR: I have the honor to acknowledge the receipt of your letter of November 23, 1917, in which you outline the plans which the War Department is now contemplating with regard to the employment of prisoners of war and interned aliens in the United States.

In reply I have the honor to inform you that the Department of State concurs in the proposed plans referred to, in so far as they affect prisoners of war.

In the case of interned aliens, however, the Department hesitates to concur in the statement made in the last paragraph of section 4 to the effect that precedents for the proposed procedure exist in the principal nations engaged in the present war, for so far as the Department is aware, none of the belligerents in the present war has compelled interned aliens to do any work outside of the up-keep of their own camps.

While the foregoing reservation does not apply to the cases of the civil inhabitants of France, Belgium and Poland who have been deported in large numbers to Germany and there compelled to work in various industries and in the mines and fields, the Department does not consider it advisable that similar measures be applied to the German aliens interned in this country.

I have [etc.]

ROBERT LANSING

Proclamation No. 1417, December 11, 1917, Declaring the Existence of a State of War with the Austro-Hungarian Empire and Setting Forth Regulations Prescribing Conduct toward Austro-Hungarian Citizens in the United States

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the Congress of the United States in the exercise of the constitutional authority vested in them have resolved, by joint resolution of the Senate and House of Representatives bearing date of December 7th, 1917, as follows:

“Whereas the Imperial and Royal Austro-Hungarian Government has committed repeated acts of war against the Government and the people of the United States of America: Therefore be it

“Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That a state of war is hereby declared to exist between the United States of America and the Imperial and Royal Austro-Hungarian Government; and that the President be, and he is hereby, authorized and directed to employ the entire naval and military forces of the United States and the re-

sources of the Government to carry on war against the Imperial and Royal Austro-Hungarian Government; and to bring the conflict to a successful termination all the resources of the country are hereby pledged by the Congress of the United States.”

WHEREAS, by Sections four thousand and sixty-seven, four thousand and sixty-eight, four thousand and sixty-nine, and four thousand and seventy, of the Revised Statutes, provision is made relative to natives, citizens, denizens, or subjects of a hostile nation or government, being males of the age of fourteen years and upwards, who shall be in the United States and not actually naturalized;

NOW, THEREFORE, I, WOODROW WILSON, President of the United States of America, do hereby proclaim to all whom it may concern that a state of war exists between the United States and the Imperial and Royal Austro-Hungarian Government; and I do specially direct all officers, civil or military, of the United States that they exercise vigilance and zeal in the discharge of the duties incident to such a state of war; and I do, moreover, earnestly appeal to all American citizens that they, in loyal devotion to their country, dedicated from its foundation to the principles of liberty and justice, uphold the laws of the land, and give undivided and willing support to those measures which may be adopted by the constitutional authorities in prosecuting the war to a successful issue and in obtaining a secure and just peace;

And, acting under and by virtue of the authority vested in me by the Constitution of the United States and the aforesaid sections of the Revised Statutes, I do hereby further proclaim and direct that the conduct to be observed on the part of the United States towards all natives, citizens, denizens, or subjects of Austria-Hungary, being males of the age of fourteen years and upwards, who shall be within the United States and not actually naturalized, shall be as follows:

All natives, citizens, denizens, or subjects of Austria-Hungary, being males of fourteen years and upwards, who shall be within the United States and not actually naturalized, are enjoined to preserve the peace towards the United States and to refrain from crime against the public safety, and from violating the laws of the United States and of the States and Territories thereof, and to refrain from actual hostility or giving information, aid or comfort to the enemies of the United States, and to comply strictly with the regulations which are hereby or which may be from time to time promulgated by the President; and so long as they shall conduct themselves in accordance with law, they shall be undisturbed in the peaceful pursuit of their lives and occupations and be accorded the consideration due to all peaceful and law-abiding persons, except so far as restrictions may be necessary for their own protection and for the safety of the United States; and towards such of said persons as conduct themselves in accordance with law, all citizens of the United States

are enjoined to preserve the peace and to treat them with all such friendliness as may be compatible with loyalty and allegiance to the United States.

And all natives, citizens, denizens or subjects of Austria-Hungary, being males of the age of fourteen years and upwards, who shall be within the United States and not actually naturalized, who fail to conduct themselves as so enjoined, in addition to all other penalties prescribed by law, shall be liable to restraint, or to give security, or to remove and depart from the United States in the manner prescribed by Sections four thousand and sixty-nine and four thousand and seventy of the Revised Statutes, and as prescribed in regulations duly promulgated by the President;

And pursuant to the authority vested in me, I hereby declare and establish the following regulations, which I find necessary in the premises and for the public safety:

(1) No native, citizen, denizen or subject of Austria-Hungary, being a male of the age of fourteen years and upwards and not actually naturalized, shall depart from the United States until he shall have received such permit as the President shall prescribe, or except under order of a court, judge, or justice, under Sections 4069 and 4070 of the Revised Statutes;

(2) No such person shall land in or enter the United States, except under such restrictions and at such places as the President may prescribe;

(3) Every such person of whom there may be reasonable cause to believe that he is aiding or about to aid the enemy, or who may be at large to the danger of the public peace or safety, or who violates or attempts to violate, or of whom there is reasonable ground to believe that he is about to violate any regulation duly promulgated by the President, or any criminal law of the United States, or of the States or Territories thereof, will be subject to summary arrest by the United States Marshal, or his deputy, or such other officer as the President shall designate, and to confinement in such penitentiary, prison, jail, military camp, or other place of detention as may be directed by the President.

This proclamation and the regulations herein contained shall extend and apply to all land and water, continental or insular, in any way within the jurisdiction of the United States.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE in the District of Columbia, this eleventh day of December, in the year of our Lord one thousand nine hundred and [SEAL] seventeen, and of the independence of the United States the one hundred and forty-second.

WOODROW WILSON

By the President:

ROBERT LANSING

Secretary of State.

File No. 763.72115/3254a

*The Secretary of State to the Secretary of Labor (Wilson)*¹WASHINGTON, *December 17, 1917.*

SIR: The question of the general relief of the wives and families of enemy aliens interned in the United States under the provisions of the President's proclamation of April 6, 1917,² or because of their failure to comply with our immigration requirements, is daily becoming more pressing. It is unquestionably in our interest that these people be kept from destitution, being deprived of their former means of support through the internment of their husbands or fathers, and equally important that a careful control be exercised over the amounts of the relief payments, so that the money may not be used for purposes contrary to the interests of this Government.

At present this relief work is undertaken by the Prisoners of War Relief Society of New York, a German-American organization, presumably loyal, but financed entirely by individual contributors. The Department's control over it has hitherto been limited to an examination of the lists of payments which the Swiss Legation, in charge of German interests in the United States, has been required to submit regularly.

According to the Swiss Legation, the German Government has taken the attitude that there is no necessity for using German Government funds for making relief payments, inasmuch as there are many German subjects and German-Americans in this country who are financially able and willing to contribute to the relief of German subjects less favorably situated.

The Department considers this attitude wrong. The German Government spent at least a million and a half roubles a month for the relief of German civilians in Russia while our Embassy in Petrograd was in charge of German interests and at least a million marks a quarter for the relief of German civilians in the British Empire. They can therefore well afford to do likewise in this country, particularly in the cases of those individuals or families whose husbands, sons or brothers have been interned because of acts unfriendly to the United States and acts presumably meant to be of service to the German Government.

Believing that the Legation of Switzerland should be made the sole distributing center of these relief funds and that it should, as heretofore, be required to give us an account of its activities in this direc-

¹ The same, on the same date, to the Attorney General and the Secretary of War.

² *Ante*, p. 165.

tion I append herewith a tentative scheme for controlling this relief work¹ and shall be glad to have an expression of your views in regard thereto, in so far as the scheme applies to enemy aliens under the control of your Department. I particularly request your opinion with regard to the maximum payments to be permitted, mentioned in paragraphs 7 and 8, the Department having taken more or less arbitrary figures as a tentative proposal.

I have worded the draft in such a way that it may subsequently be made to apply also to Austro-Hungarian subjects under the protection of the Legation of Sweden.

I have [etc.]

ROBERT LANSING

File No. 311.63/59

The Secretary of State to the Swedish Minister (Ekengren)

No. 307

WASHINGTON, December 24, 1917.

SIR: I have the honor to acknowledge the receipt of your note of December 18, 1917 (No. 2745/21),¹ inquiring whether there would be any objection on the part of the Department of State to the distribution of relief funds to such Austrian and Hungarian subjects in the United States as may be in need, whether interned or not, by the Prisoners of War Relief Committee of New York City.

In reply I beg leave to inform you that the Department is at present formulating a proposed scheme for the relief of enemy aliens in the United States, which will eventually be brought to your attention as in charge of Austro-Hungarian interests. Until this scheme can be put into operation, the Department will have no objection to the distribution of relief funds to Austrian and Hungarian subjects who may be in need, whether interned or not, by the Prisoners of War Relief Committee of New York City, provided—

- (1) That the necessary licenses first be procured from the War Trade Board under the provisions of the Trading with the Enemy Act, to which Board definite lists of the proposed payments should be submitted by the Committee;
- (2) That copies of these lists be submitted also to the Department of State; and
- (3) That payments to interned persons be made, when licensed, direct to the United States officers or commissioners in charge of the respective camps or stations for payment to the prisoners according to the regulations of the Departments under which such prisoners are held.

Accept [etc.]

ROBERT LANSING

¹ Not printed.

[For correspondence regarding the exemption from postal duties of mail and parcels intended for or dispatched by interned civilians, see Department's circular telegram of January 8, 1918, page 18, and replies, pages 21, 22, 27.]

File No. 311.62/458

The Secretary of State to the Chargé in Switzerland (Wilson)

[Telegram]

WASHINGTON, *February 1, 1918, 4 p. m.*

1436. Your 2122, November 26, 4 p. m.¹ The President has decided that private communications concerning welfare and whereabouts of persons in the United States may not be forwarded. This does not include prisoners of war and interned alien enemies. The Legations of Switzerland and Sweden, and the Embassy of Spain at Washington, respectively in charge of the interests of Germany, Austria-Hungary and Turkey, have been so informed. They are permitted, however, to make official enquiry concerning welfare and whereabouts of persons in the United States and report officially to their Governments.

Answering your two questions:

(1) You may forward enquiries concerning interned Germans in the United States to the International Red Cross which will reforward to Red Cross here. The latter will transmit to destination upon receipt of license from War Trade Board.

(2) Enquiries received from persons in the United States regarding German and Austrian subjects in the Central Powers should be returned to senders.

LANSING

File No. 763.72114/3283

The Secretary of State to the Swiss Minister (Sulzer)

No. 127

WASHINGTON, *February 13, 1918.*

SIR: I have the honor to acknowledge the receipt of your note of January 30, 1918,¹ in which you requested that arrangements be made to transfer the German subjects now interned at Ellis Island to Hot Springs, N. C.

In reply I have the honor to inform you that I submitted this matter to the Secretary of Labor, from whom I have now received a re-

¹Not printed.

ply stating that the matter of transferring the enemy aliens interned at Ellis Island, as well as those at Gloucester City, N. J., to Hot Springs, N. C., was under consideration and that he furthermore expected that the transfer would be completed very soon, possibly within the next 10 days.

Accept [etc.]

ROBERT LANSING

File No. 763.72115/3273

*The Secretary of State to the Swiss Minister (Sulzer)*¹

No. 131

WASHINGTON, *February 21, 1918.*

SIR: I have the honor to enclose herewith, for your information, a draft of a "Tentative Scheme for Administering Relief for Interned and Non-Interned Enemy Aliens and their Families and Prisoners of War in the United States."² I realize that a large part of the executive and administrative work involved in the proper execution of the enclosed scheme will fall upon the Legations of the protecting powers of the enemy governments and should be most grateful, therefore, if you would co-operate with me in order that this scheme may be carried out in spirit as well as in letter.

Accept [etc.]

ROBERT LANSING

File No. 763.72115/3283

The Secretary of State to the Secretary of Labor (Wilson)

WASHINGTON, *March 21, 1918.*

SIR: I have the honor to acknowledge the receipt of your letter of March 4² enclosing a copy of a memorandum of February 26 by the Commissioner General of Immigration regarding the question as to whether or not it would be proper to compel alien enemies who are civil interns in the custody of your Department to work at useful occupations during the time that they are detained pending the outcome of the war.

In reply I have the honor to advise you that this Department sent you as enclosures to its letter of March 14, 1918,² replies from the American Embassies at London, Paris, and Rome with respect to the practice of Great Britain, France, and Italy regarding forced labor of civilian interns. It will be observed from these reports that it is the practice of all of these countries not to compel such alien enemies to work, but that they are allowed to work voluntarily under certain conditions as to compensation and otherwise. I am of the opinion

¹The same, on the same date, to the Swedish Minister, in charge of Austro-Hungarian interests in the United States (No. 360).

²Not printed.

that it would be fair and equitable on the part of the United States and subject to no criticism or retaliation on the part of the Central Powers if the practice followed by the Allies were followed in the United States, for the present at least; that is, to offer the civilian alien enemies held by your Department opportunity for voluntary labor under reasonable conditions of service and compensation. This Department does not attempt to pass upon the control to be exercised over such enemies during service, nor the legality of exercising such control.

I have [etc.]

ROBERT LANSING

Proclamation No. 1443, April 19, 1918, Extending Regulations Prescribing Conduct toward Alien Enemies to Include Women

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS, by Act of Congress, approved the sixteenth day of April, one thousand nine hundred and eighteen, entitled "An Act to amend section four thousand and sixty-seven of the Revised Statutes by extending its scope to include women", the said section four thousand and sixty-seven of the Revised Statutes is amended to read as follows:

Whenever there is a declared war between the United States and any foreign nation or government, or any invasion or predatory incursion is perpetrated, attempted, or threatened against the territory of the United States by any foreign nation or government, and the President makes public proclamation of the event, all natives, citizens, denizens, or subjects of the hostile nation or government, being of the age of fourteen years and upwards, who shall be within the United States, and not actually naturalized, shall be liable to be apprehended, restrained, secured, and removed, as alien enemies. The President is authorized, in any such event, by his proclamation thereof, or other public act, to direct the conduct to be observed, on the part of the United States, toward the aliens who become so liable; the manner and degree of the restraint to which they shall be subject, and in what cases, and upon what security their residence shall be permitted, and to provide for the removal of those who, not being permitted to reside within the United States, refuse or neglect to depart therefrom; and to establish any other regulations which are found necessary in the premises and for the public safety;

WHEREAS, by sections four thousand and sixty-eight, four thousand and sixty-nine, and four thousand and seventy, of the Revised Statutes, further provision is made relative to alien enemies;

AND WHEREAS a state of war has heretofore been declared and proclaimed to exist between the United States and the Imperial German Government and between the United States and the Imperial and Royal Austro-Hungarian Government;

Now, THEREFORE, I, WOODROW WILSON, President of the United States of America, acting under and by virtue of the authority vested in me by the Constitution of the United States and the said sections of the Revised Statutes, do hereby further proclaim and direct that the conduct to be observed on the part of the United States towards all natives, citizens, denizens, or subjects of Germany or Austria-Hungary of the age of fourteen years and upwards, who shall be within the United States and not actually naturalized, shall be as follows:

All such natives, citizens, denizens or subjects of Germany or Austria-Hungary are enjoined to preserve the peace towards the United States and to refrain from crime against the public safety, and from violating the laws of the United States and of the States and Territories thereof, and to refrain from actual hostility or giving information, aid or comfort to the enemies of the United States, and to comply strictly with the regulations which are hereby or which have been or may be from time to time promulgated by the President; and so long as they shall conduct themselves in accordance with law, they shall be undisturbed in the peaceful pursuit of their lives and occupations and be accorded the consideration due to all peaceful and law-abiding persons, except so far as restrictions may be necessary for their own protection and for the safety of the United States; and towards such of said persons as conduct themselves in accordance with law, all citizens of the United States are enjoined to preserve the peace and to treat them with all such friendliness as may be compatible with loyalty and allegiance to the United States.

And all of such natives, citizens, denizens or subjects of Germany or Austria-Hungary who fail to conduct themselves as so enjoined, in addition to all other penalties prescribed by law, shall be liable to restraint, or to give security, or to remove and depart from the United States in the manner prescribed by sections four thousand and sixty-nine and four thousand and seventy of the Revised Statutes, and as prescribed in the regulations duly promulgated by the President;

And pursuant to the authority vested in me, I hereby declare and proclaim, as necessary in the premises and for the public safety, that Regulations 1 to 12 inclusive in the Proclamation issued by me under date of April 6th, 1917,¹ and Regulations 13 to 20 inclusive in

¹Ante, p. 165.

the Proclamation issued by me under date of November 16th, 1917¹ shall be and they hereby are extended to and declared applicable to all natives, citizens, denizens or subjects of Germany, being females of the age of fourteen years and upwards, who shall be within the United States and not actually naturalized; provided, that this extension of Regulation 4 of the Proclamation issued by me under date of April 6th, 1917 shall not become effective until such time as may be fixed and declared by the Attorney General of the United States.

And pursuant to the authority vested in me, I hereby declare and proclaim, as necessary in the premises and for the public safety, that Regulations 1 to 3 inclusive in the Proclamation issued by me under date of December 11th, 1917² shall be and they are hereby extended to and declared applicable to all natives, citizens, denizens or subjects of Austria-Hungary, being females of the age of fourteen years and upwards, who shall be within the United States and not actually naturalized.

This proclamation and the Regulations herein contained shall extend and apply to all land and water, continental or insular, in any way within the jurisdiction of the United States.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE in the District of Columbia, this nineteenth day of April, in the year of our Lord one thousand nine hundred and [SEAL] eighteen, and of the independence of the United States the one hundred and forty-second.

WOODROW WILSON

By the President:

FRANK L. POLK

Acting Secretary of State.

File No. 311.62/458

The Secretary of State to the Minister in Switzerland (Stovall)

[Telegram]

WASHINGTON, April 22, 1918, 4 p. m.

1793. Department's 1436, February 1, 4 p. m. A reconsideration of policy has now led this Government to authorize the American National Red Cross to receive and transmit welfare inquiries through the International Red Cross for persons in the United States and in enemy or ally-of-enemy countries, for which purpose a license has been issued by the War Trade Board. You may henceforth refer such inquiries to the International Red Cross.

LANSING

¹Ante, p. 180.

²Ante, p. 185.

File No. 763.72115/3362

The Swedish Minister (Ekengren) to the Secretary of State

Department of Austro-Hungarian
Interests No. 3446/21.

The Minister of Sweden, representing Austro-Hungarian interests in the United States, presents his compliments to His Excellency the Secretary of State, and has the honor to inform him of the receipt of a cablegram from the Foreign Office in Stockholm of which the following is an extract:

[Translation]

Austro-Hungarian Ministry of Foreign Affairs asks that you kindly give special attention to the increase lately noticed in the internment of Austrian and Hungarian subjects in the United States, and kindly warn the Department of State that if American Government should without valid cause continue to intern Austrian and Hungarian subjects—as seems to have been the case with Kunwald and Pohl—such a proceeding could not but have a corresponding effect on the treatment of American citizens in Austria-Hungary.

WASHINGTON, July 3, 1918.

File No. 763.72115/3363

The Secretary of State to the Swiss Chargé (Hübscher)

The Secretary of State presents his compliments to the Chargé d'Affaires *ad interim* of Switzerland, in charge of German interests in the United States and, with reference to the latter's note of June 25, 1918,¹ in which inquiry was made whether alien enemies interned in the United States are permitted to send money to Germany, has the honor to state that it is not deemed advisable at the present time to extend this privilege to the class of interned German nationals referred to.

WASHINGTON, August 9, 1918.

File No. 763.72114/3904

The Secretary of State to the Swedish Minister (Ekengren)

The Secretary of State presents his compliments to the Minister of Sweden, in charge of Austro-Hungarian interests in the United States, and has the honor to acknowledge the receipt of his memorandum of August 8, 1918,¹ enclosing a copy of a night letter addressed to the Swedish Legation by the Committee of Austro-Hungarian Internes at Fort Oglethorpe, Ga., concerning the arrest, internment, and treatment of women.

In reply the Secretary of State begs to inform the Minister of Sweden that the various points in regard to this matter which

¹ Not printed.

were emphasized in the night letter have received the careful consideration of the competent authorities and a report thereon has been received.

With reference to the first suggestion that in case of each order for the arrest of a female alien enemy, this should be accompanied with a request for considerate treatment, the Minister of Sweden is advised that this has always been the practice of the authorities.

In so far as it is possible the second suggestion is always followed; namely, that when a woman alien enemy is arrested this is done in the presence of or preferably by women temperamentally adapted to perform such duties.

Before the arrest of female alien enemies adequate time is given to them to prepare their personal belongings for removal and themselves and their children for prolonged detention. There are, however, certain cases wherein the circumstances are such that the arrest must be done expeditiously, but even in these cases proper steps are taken to accomplish in so far as is feasible the results covered by this third suggestion.

Women after arrest are not left in the custody of men, if this can be avoided, and the established practice of the authorities has been to see that this objection is avoided except in extraordinary cases.

The practice of the authorities also concurs exactly with the fifth suggestion; namely, that female alien enemies should not be detained in jails or witness rooms. Care is taken to see that this practice is not transgressed.

With reference to the sixth suggestion to the effect that the women when arrested should not be separated from their minor children, the Secretary of State begs to inform the Minister of Sweden that he has been informed that no arrests have as yet been made where such children were concerned. However, if such cases do arise, it will undoubtedly be arranged so that the minor children need not be separated from their mothers or from their female relatives when the latter are arrested.

In so far as there is no objection thereto in a particular case, the husbands or near relatives of female alien enemies are always informed of the arrest of the latter at the earliest possible moment.

Relative to the final suggestion that husbands, wives and their children should be interned jointly in adequate housekeeping quarters, the Secretary of State begs to inform the Minister of Sweden that it has been the established policy of the authorities to intern the men and women separately, this being deemed desirable for a number of reasons and especially as each individual case is determined separately. As has been stated above, the matter of minor children has not as yet arisen, but when it does arise, it will be carefully considered and a practice adopted which will be satisfactory.

The statement contained in the last sentence of the night letter to the effect that the camp in question appears to be dangerous in case of fire, has been brought to the attention of the proper authorities and will be thoroughly investigated.

WASHINGTON, *August 28, 1918.*

*Announcement of September 11, 1918, by the Secretary of State*¹

Some time ago announcement was made of the proposed formation of a national committee, composed of American citizens, which would cooperate with the Legations of Sweden and Switzerland and the consuls under their jurisdiction, in relieving the situation and condition of law-abiding residents in this country who are German or Austrian nationals, and in supervising the aid given the families of interned alien enemies.

This Committee has now been formed under the name of the "National Alien Enemy Relief Committee, in Cooperation with the Legations of Sweden and Switzerland and with the Approval of the Government of the United States" with an office at 818 Connecticut Avenue, Washington, D. C., and with a membership which comprises prominent American citizens in the larger cities of the country. On and after September 15 this Committee will be in a position to perform its functions in the fullest possible manner.

The purposes of this Committee are few and relatively simple but of a delicate nature and requiring the greatest care in their accomplishment. These purposes are, for the present, twofold—first, the recording and control of the assistance dispensed to the families of interned alien enemies by the Legations of Sweden and Switzerland; second, the rendering of aid and assistance, both financially and socially, to the vastly greater number of law-abiding, industrious, and discreet subjects of Germany and Austria-Hungary who are resident in the United States. Many of this latter group, although loyal to the United States, are, through unjust and unfounded suspicions and prejudice, of which they are the victims, prevented from or seriously handicapped in earning their livelihood and are, in consequence, reduced to grave financial straits.

Appreciating the need in which this class of residents finds itself, and realizing that some central control and guidance was desirable in the matter of their relief, the Department of State and the Department of Justice have not only approved the formation of this Committee but have encouraged it to undertake this important and valuable work.

¹*The Official Bulletin*, Washington, Sept. 12, 1918 (vol. 2, No. 410), p. 3.

This Committee is not, however, a general relief organization, nor has it any funds of its own for the relief of those in distress. Its functions are rather to oversee and direct rather than actually to administer relief, and these functions may be summarized as follows:

1. To investigate, at the request of the Legations, appeals for aid and assistance which are received from the families of interned alien enemies, in order that the Legations may be informed whether the appeal is genuine, what the real need of the applicant is, and how long that need is or will be continued, so that the Legations may grant relief from funds in their possession with the assurance that they are not being imposed upon.

2. To direct and encourage the relief, through the numerous local organizations throughout the country, of the law-abiding Germans and Austro-Hungarians resident in the United States who are in need of financial or other assistance on account of discrimination and prejudice against them arising out of their nationality or from other causes directly or indirectly attributable to the war.

Appeals made to the Committee for Relief will be promptly investigated and, if the request is a proper one, adequate assistance will be rendered, if possible, through an appropriate local relief society under the direction of this Committee. In the event of the Committee learning from time to time of alleged discrimination against or unfair treatment of innocent alien enemies through prejudice, fear of their disloyalty, or for any other reasons incident to the war, such cases will be carefully looked into and the facts with reference thereto will be ascertained. If it appears that this discrimination is unwarranted, the assistance of local aid societies and loyal citizens will be enlisted to allay these groundless fears to insure fair treatment in the future of those discriminated against.

The members of the Committee are giving generously of their time and thought to make this plan a success and will not receive compensation of any kind. On the contrary, the expenses incident to the maintenance of an office and the carrying on of its work are being defrayed by the contributions received from the various members of the Committee.

The object is a most worthy one and one which should appeal to the sense of justice of all fair-minded Americans and the zeal and enthusiasm exhibited by the members of the Committee in carrying on the work insure its success, provided that it receives the cooperation and sympathy of the American people in general and especially of the local relief societies.

The National Alien Enemy Relief Committee membership is as follows:

[Here follows a list of names.]

File No. 763.72115/3362

The Secretary of State to the Swedish Minister (Ekengren)

The Secretary of State presents his compliments to the Minister of Sweden, in charge of Austro-Hungarian interests in the United States, and has the honor to acknowledge the receipt of his memorandum of July 5 [3], 1918, submitting an extract of a cablegram received from the Foreign Office in Stockholm stating that the Austro-Hungarian Ministry of Foreign Affairs has noticed an increase in the internment of Austrian and Hungarian subjects in the United States, and desires to notify the American Government that should such internment of Austrian and Hungarian subjects, without valid cause (as seems to have been the case with Messrs. Kunwald and Pohl) continue, such a proceeding could not but have a corresponding effect on the treatment of American citizens in Austria-Hungary.

In reply the Secretary of State informs the Minister of Sweden that Austrian and Hungarian nationals have not, at any time, been interned by the Government of the United States without good cause. No change in this policy has taken place, or will take place in the future.

Relative to the internment of Mr. Kunwald, a careful consideration of the facts led this Government to consider that his internment was fully justified, and his internment was consequently ordered.

Several men by the name of Pohl have been interned and it is not possible to identify the Mr. Pohl to whom reference is had by the Austro-Hungarian Government.

WASHINGTON, *September 17, 1918.*

File No. 763.72115/3379

The Minister in Switzerland (Stovall) to the Secretary of State

No. 4437

BERNE, *September 10, 1918.*[*Received September 28.*]

SIR: I have the honor to transmit herewith copy of a communication from the Royal Spanish Embassy at Vienna of the 5th ultimo¹ enclosing copy and translation of a note from the Austro-Hungarian Minister of Foreign Affairs to the effect that American citizens are at the moment neither interned nor confined in the Monarchy.

As the Department is aware I have requested the Spanish Embassy to investigate numerous cases of persons claiming American citizenship, who appear to be interned or confined.

I have [etc.]

PLEASANT A. STOVALL

¹ Not printed.

File No. 763.72115/3330

The Swiss Chargé (Oederlin) to the Secretary of State

Department of German

Interests IX

The Chargé d'Affaires *a. i.* of Switzerland, representing German interests in the United States, presents his compliments to the Secretary of State and, pursuant to his memorandum dated September 16, 1918,¹ regarding the internment of German women in the United States, has the honor to transmit to His Excellency copies of two communications from the German Government transmitted by the Swiss Foreign Office:

- (1) *Note verbale*, dated August 31, 1918.
- (2) *Note verbale*, dated August 12, 1918.

The Chargé d'Affaires *a. i.* will be happy to communicate the reply of His Excellency to the Swiss Foreign Office, for transmission to the German Government.

WASHINGTON, *September 30, 1918.*

[*Received October 1.*]

[Enclosure 1—Translation]

The German Foreign Office to the Swiss Legation at Berlin

No. III-b-26346

121159

NOTE VERBALE

The Foreign Office has the honor with reference to the Swiss Legation's *notes verbales* of April 27, May 2, June 1, and July 12, marked A.XII Gen. 1/21436, A.XII Gen. 1/21715, A.XII Gen. 1/23473 and A.XII Gen. 1/25563, to request that the Swiss Legation at Washington be informed by telegraph that in Germany neither men nor women of American citizenship are interned in a general way.

The exceptions are merely 16 men whose action made it necessary to intern them in a prisoner camp. Whether married women are to be quartered together with their husbands in the same camp is a question on which position need not be taken since in Germany suspects only and not members of their families above suspicion are interned.

In view of the German Government's attitude toward American citizens the Swiss Legation at Washington is requested to enter an emphatic protest with the Government of the United States against internment on such a scale as is contemplated in America.

¹ Not printed.

It should be pointed out to the American Government that the compulsory internment above all of German women in America against whom no charge can be brought is wholly unjustifiable. This would particularly apply to German women who should be interned on the only ground that their husbands are in internment camps.

The Swiss Legation at Washington is further requested to report at the earliest possible date the results of the steps taken by it on the subject. It is particularly requested to ascertain whether, and to what extent, women against whom there stands no well-substantiated suspicion that they endanger the safety of the state, have been interned. It is further expected to receive a full list of all the German men and women interned in the United States with a statement of the grounds upon which they were interned.

BERLIN, *August 12, 1918.*

[Enclosure 2—Translation]

The German Foreign Office to the Swiss Legation at Berlin

No. III-c-18931

132046

NOTE VERBALE

The Swedish Consulate General at Moscow has made requests to have a safe-conduct from St. Petersburg to Stockholm granted to the widow of the former American Consul General at Moscow, Mrs. Summers, her 12-year-old son, and Miss Helen Ogden, who had been employed in the Russian Section of the American Y.W.C.A.

The German Government is constrained to condition compliance with this wish on the previous assurance to be given by the Government of the United States of America that German women in America will be exempt from any kind of internment.

The Foreign Office begs the Swiss Legation to make the foregoing known by wire to the American Government, and to communicate its answer to this office in due course.

BERLIN, *August 31, 1918.*

File No. 763.72115/3379

The Secretary of State to the Minister in Switzerland (Stovall)

[Telegram]

WASHINGTON, *October 2, 1918, 3 p. m.*

3047. Your despatch 4437, September 10, 1918. Department assumes that you will draw attention of Austro-Hungarian authori-

ties through Spanish Embassy, Vienna, to inaccuracy of its statement, illustrating your point by citing certain pertinent cases.

LANSING

File No. 763.72114/4160

The Secretary of State to the Swiss Minister (Sulzer)

WASHINGTON, November 15, 1918.

The Secretary of State presents his compliments to the Minister of Switzerland, in charge of German interests in the United States, and referring to a memorandum, dated September 25, 1918,¹ from the Chargé d'Affaires *ad interim*, inquiring what status has been accorded to the former employees of the former German merchant steamship companies who have recently been transferred from Hot Springs to Fort Oglethorpe, Ga., and what regulations will be applied in their case with reference to obligations of work, provision and manner of clothing, and amount of pay and nourishment, has the honor to inform the Minister that these men are held under a presidential warrant issued by the Attorney General and are in the custody of the War Department.

Although, except in certain individual cases, these men have not been ordered interned for the duration of the war, they are held in the same manner as interned alien enemies, subject to the regulations which apply to other men of this class. The commanding officer in charge of the War Prison Barracks at Fort Oglethorpe, Ga., where these men are confined, has, however, stated that due to their being of a different character from the majority of the other alien enemies at Fort Oglethorpe, he has arranged to mess and quarter them apart from the others and to work them in separate gangs. The work required of these men is only such as is necessary for the maintenance and upkeep of their barracks and the walks, roads, and grounds generally which pertain thereto.

From the point of view of parole, these men will be treated precisely as they were when they were at the internment camp at Hot Springs in the custody of the Department of Labor, and while the officers will not be paroled, except in extraordinary cases where the officer is sick or where he has a dependent family in this country in such condition that the ordinary dictates of humanity require his release, the seamen will still be considered available for parole as employment is secured for them which they are willing to accept. In all respects, except as indicated above, these men will be treated precisely as other alien enemies interned for the duration of the war.

¹ Not printed.

File No. 763.72115/3401

The Acting Secretary of State to the Swiss Minister (Sulzer)

WASHINGTON, *December 11, 1918.*

The Acting Secretary of State presents his compliments to the Minister of Switzerland, in charge of German interests in the United States, and has the honor to acknowledge the receipt of the Legation's memoranda of September 16¹ and September 30, 1918, transmitting copies of two communications from the German Government dated August 12 and August 31 respectively, regarding the internment of German women in the United States.

In reply Mr. Polk requests Doctor Sulzer to bring to the attention of the German Government the following facts:

No general policy has been adopted by the Government of the United States calling for the internment of any considerable number of German women, nor have extensive measures been taken for their internment, and the internment of German women has not in any instance been ordered as a matter of reprisal. The United States statutes and the presidential proclamations issued in pursuance thereof, by virtue of which the power of internment is exercised by this Government, limit the application of this power to those enemy aliens who there is reasonable cause to believe are aiding or about to aid the enemy or who may be at large to the danger of the public peace or safety, or who violate or attempt to violate, or who there is reasonable ground to believe are about to violate, any regulation duly promulgated by the President, or any criminal law of the United States, or of the States or Territories thereof. Down to the present time, only 15 German women have been actually interned, although others have been temporarily detained and then released, and the Government of the United States does not contemplate any general measures of internment affecting German women or that there will be any great increase in the number of women interned.

It has been the policy of the Government of the United States not to discuss the reasons for the presidential action exercised in individual cases of internment and the United States Government must decline to furnish the German Government with any statement of the specific grounds upon which the persons in question were interned.

Under the circumstances as stated above, it would seem that if the German Government refuses a safe-conduct to American women in the absence of any facts tending to show that such American women are in any way dangerous upon the assumption that considerable

¹ Not printed.

numbers of German women are being interned by the Government of the United States without cause, such action by the German Government is predicated upon a complete misapprehension of the facts. The Government of the United States feels unable to give the guarantee which has been requested by the German Government in its *note verbale* of August 31, 1918, that German women in the United States will be exempt from any kind of internment.

**SPECIAL TREATMENT OF ALSATIANS AND LORRAINERS,
CZECHO-SLOVAKS, AND POLES**

File No. 763.72115/3146

*The French Ambassador (Jusserand) to the Counselor for the
Department of State (Polk)*

WASHINGTON, *May 27, 1917.*

MY DEAR MR. COUNCILOR: Referring to previous conversations, the most recent of which took place yesterday, I beg to confirm what I said of the painful situation which would be that of people from Alsace-Lorraine if they were treated as Germans by the American authorities and submitted to the obligations imposed on the latter by the law recently voted by Congress. Numerous protests have been already received by this Embassy, chief among them that of the Alsatian society "Les Amis de l'Alsace-Lorraine" whose president is Mr. Clément Rueff of New York.

In the opinion of my Government, it would be appropriate, as I told you, that some necessary precautions be taken in view of preventing that these devoted friends of our common cause be confused with its enemies.

You were so good as to say that the suggestions I had submitted to you would be acted upon, so that pretended Alsatians should not avail themselves of facilities to which they are not entitled.

They are to the effect that, in each city where we have professional consuls or vice consuls (New York, Chicago, Seattle, San Francisco, Galveston, New Orleans, Philadelphia) an examination be made of all people alleging that they are of Alsatian origin. With the help of the aforementioned Alsatian society, taking into account the documents produced by the interested parties, their knowledge of the Alsatian dialect, the deposition of witnesses, etc., our consuls would be able to certify to the real origin of each.

I should be much obliged to you if you were so good as to cause the police authorities in New York and in the cities above named, to be asked to kindly take into account these arrangements and to act accordingly.

Believe me [etc.]

JUSSERAND

I take the liberty of pointing out the urgent character of the advices to be given to the said authorities.

J.

File No. 763.72115/3148

The Attorney General (Gregory) to the Secretary of State

WASHINGTON, June 7, 1917.

SIR: Further considering your letter of June 1, 1917,¹ transmitting a letter from the French Ambassador,² in which he requests that people from Alsace be not treated as Germans in respect to the enforcement of the President's proclamation of April 6, 1917,³ regarding alien enemies, I desire to say that the matter has been given careful consideration by this Department, and I can add nothing further to my letter of June 4, 1917.¹

It seems impossible to discriminate between inhabitants of different portions of the German Empire. If Alsatian Germans shall satisfy the United States marshals that they are loyal to this country, and out of sympathy with the country of which they are native citizens or subjects, and if they are, in addition, complying with the law, they will have no difficulty in obtaining permits to leave or be employed or to pass through forbidden areas under the President's proclamation.

Respectfully,

For the Attorney General:

CHARLES WARREN

Assistant Attorney General

File No. 763.72115/3153

The Secretary of State to the Chairman of the Executive Committee, National Department of the Polish Central Relief Committee of America (Smulski)

WASHINGTON, July 23, 1917.

SIR: Referring to your letter No. 514, of June 18, 1917,¹ in which you protest against the classification by local officials of Poles in the United States as Germans and Austrians, and to the Department's reply of June 26,¹ stating that your letter had been referred to the Department of Justice, the Department transmits herewith, for your information, copy of the Attorney General's reply on the subject.

I am [etc.]

For the Secretary of State:

WILLIAM PHILLIPS

*Assistant Secretary*¹ Not printed.² *Supra.*³ *Ante*, p. 165.

[Enclosure ¹]*The Attorney General (Gregory) to the Secretary of State*WASHINGTON, *June 29, 1917.*

SIR: This Department has the honor to acknowledge the receipt of your letter of June 26² submitting a request of the Chairman of the Executive Committee of the Polish Central Relief Committee of America that natives, denizens, citizens or subjects of Germany or Austria who happen to be Poles may be excluded from the operation of the President's proclamation relative to alien enemies. In reply the Department has the honor to advise you that Austrian citizens other than natives of Germany, and natives of Austria other than citizens or subjects of Germany are not being classed as alien enemies. In regard to the further question of exempting those Poles who are by the terms of section 4067 of the Revised Statutes within the definition of the word "alien enemy," this Department has the honor to advise you that it must necessarily follow the law as it is now laid down in enforcing the President's proclamation. It is needless to add, however, that in the matter of granting permits to all such as are within the terms of the statute due consideration is being paid to their sympathies and affiliations in this war.

Respectfully,

For the Attorney General:

CHARLES WARREN

Assistant Attorney General

File No. 763.72115/3293

*The Attorney General (Gregory) to the Secretary of State*WASHINGTON, *March 22, 1918.*[*Received March 23.*]

DEAR MR. SECRETARY: For your information I herewith enclose copy of a letter written to me by the French Ambassador on March 18 and of my reply thereto bearing date March 22.

I also enclose one of the alien registration cards we are using. You will note the changes which the Ambassador suggested, appearing

¹ Filed separately under File No. 763.72115/3160.² Not printed.

on pages 2, 3 and 4.¹ You will also observe that I have agreed to the change suggested on page 2 of the card, though it will put my representatives to a great deal of trouble and will cause the expenditure of considerable Government funds.

Faithfully yours,

T. W. GREGORY

[Enclosure 1]

The French Ambassador (Jusserand) to the Attorney General (Gregory)

WASHINGTON, March 18, 1918.

DEAR MR. ATTORNEY GENERAL: I beg to acknowledge receipt of your letter of the 15th concerning the cards delivered to those friends of the common cause the French Alsatian-Lorrainers and in which they are described as enemy aliens.

I have considered with the greatest care the statements and explanations which you were so good as to supply me with. . But, as it seems to me, the situation really and truly continues to offer the glaring anomaly and illogism which I had taken the liberty of pointing out to you.

The card must, of all necessity, be the counterpart of the registration, and must show the same statements. In the case of Alsatian-Lorrainers duly provided with a certificate of identity, countersigned by the proper French consul, you kindly recognized the appropriateness of having the registration forms altered, so that they appear there as "French Alsatian-Lorrainers," which is what they are, and not as "enemy aliens," which is what they are *not*.

It seems impossible to understand how what was legitimate in one case would be inappropriate or illegal in the other, and how those men in favor of whose cause the President spoke so clearly and nobly in his address of January 8 last,² would have to go about, ever bearing a card which brands them as "enemy aliens."

¹ Card not printed. In the sentence on p. 2 reading: "An alien enemy required to register shall not, after the date fixed for his registration and the issuance to him of a registration card, be found within the limits of the United States, its territories or possessions without having his registration card on his person under liability, among other penalties, to arrest and detention for the period of the war," the words "Any one" to be substituted for "An alien enemy."

Following the certificate on p. 3 stating that the registrant is "a person required by law to register under the proclamation of the President of the United States, dated November 16, 1917," the words "being a French Alsatian-Lorrainer" to be added.

In the note on p. 4 reading: "The issuance of this registration card does not relieve the registrant from full compliance with any and all laws and regulations now existing or hereafter made concerning the conduct of alien enemies," the words "said registrant" to be substituted for "alien enemies."

² Supplement 1, vol. I, p. 12.

As is well known, those so-called "enemy aliens" of Alsatian blood showed at the time when war became imminent in 1914, whose enemy they were, by crossing the frontier in large numbers and enlisting in the French Army. Thousands of them were thus received in each of our frontier cities.

The Germans, on their part, seem to entertain no doubt as to this. On several occasions, they reminded their troops that when they had crossed the Rhine, and found themselves in Alsace, they ought to consider themselves in "enemy territory." It seems difficult to believe that this friendly American country, now nobly fighting for the same cause as ourselves, which, teste the President, includes the Alsatians, would persist in calling them, by a sweeping statement, enemy aliens, causing them in many cases, both the greatest possible humiliation and the loss of their employment.

Is it, on the other hand, a wise policy to oblige those men to consort with the Germans? to tell them that they are Germans, that they cannot be trusted? Is this a way to confirm them in their feelings, or to breed disgust and discontent? The question, I believe, answers itself.

I beg to commend these facts to your earnest consideration, hoping that, with the same fair-mindedness which caused you to have the registration forms altered, [you] will cause the cards to be similarly modified.

Believe me [etc.]

JUSSERAND

[Enclosure 2]

*The Attorney General (Gregory) to the French Ambassador
(Jusserand)*

WASHINGTON, *March 22, 1918.*

DEAR MR. AMBASSADOR: I have read with interest your letter of March 18, which you delivered personally.

In the first part of page 2 of this letter you again insist that French Alsatian-Lorrainers born after 1871 are *not* alien enemies, and, after all, my dear Mr. Ambassador, this seems to be your real contention, as it is the contention of the attorneys who have written the Department on the same subject. I can only again repeat my statement that under the act of Congress persons born in Alsace-Lorraine since 1871 are alien enemies, and that I have no power to change an act of Congress, but it is my sworn duty to enforce those acts. I have never at any time conceded that these men were not enemy aliens, but I have most emphatically stated that by virtue of the act of Congress referred to they *were* such in the eyes of the law.

Because of your earnest insistence that they should not be required to describe themselves as enemy aliens, I agreed that in registering they might describe themselves as Alsatian-Lorrainers, and further agreed that a separate list of these persons might be made under the head of Alsatian-Lorrainers. I cannot acquiesce in your suggestion that we are compelling these men to consort with Germans. We are not insisting that they cannot be trusted, but, on the contrary, we have given you assurances that the utmost liberality practicable will be shown them, but I cannot take any action which can be construed as an admission that they are not within the regulations governing alien enemies or that they will not be dealt with for violating those regulations in case the necessity for doing so arises.

The certificate proper, appearing on page 3 of the alien enemy registration card which I sent you, is, to my mind, not subject to objection, as the holder of the card is merely described therein as a "registrant" and as "a registered person."

The note appearing on page 4 is a simple statement that the holder of this card is subject to the regulations concerning the conduct of alien enemies. To leave this off would make the card incomplete, and the taking of it off in the cases of these persons would be a practical admission that this Department did not consider them so subject.

As to the change you suggest in this note, the only regulations are those concerning the conduct of alien enemies. If the note were changed in the manner you indicated it would state that the holder of the card was subject to the regulations concerning the conduct of "said registrant." You also insist that the certificate should be changed so as to describe the holder as a French Alsatian-Lorrainer. As there are no regulations prescribing the conduct of French Alsatian-Lorrainers, as such, or prescribing the conduct of any specified registrant, the change you suggest in the note, or the changes you suggest in the note and the certificate, would render the card meaningless and confusing.

Having an earnest desire to comply with your wishes as far as practicable, I have given this matter consideration for the third time, have discussed it with a gentleman very high in authority, and am reluctantly compelled to say that I cannot change the form of the certificate or the form of the note appearing on page 4, and that this decision is final.

As to the change you suggest on page 2, under the heading "Penalty," out of deference to your wishes, and because I think this can be done without affecting the legal status of these persons, I am willing to instruct the United States marshals in all districts in which these Alsatian-Lorrainers have registered to erase the words "alien enemy" and substitute therefor the word "anyone" on every card presented by an Alsatian-Lorrainer appearing on the separate lists

of those people now being made up by the Government. It will be quite a while before all these lists are complete, as the work is one of very great magnitude, and it will therefore probably be some 60 days or more before such an arrangement can be carried out.

I am returning to you one of the cards changed as you suggested.

Sincerely yours,

T. W. GREGORY

File No. 860c.01/79

The Secretary of State to the Representative of the Polish National Committee (Paderewski)

WASHINGTON, March 26, 1918.

SIR: I acknowledge the receipt of your letter of February 21¹ with reference to the selection by the National Polish Committee of Michael Kwapiszewski to act as your representative in charge of the issuance of certificates of Polish nationality to Poles born in Germany and in Austria, as well as in Russian Poland.

You request permission to open subagencies in certain of the larger centers of Polish immigration in the United States at which applications for certificates can be received and transmitted for consideration to the main agency, at which Mr. Kwapiszewski will officiate.

You call my attention to the fact that the British Government has authorized the National Polish Committee to issue certificates to Poles resident in the United Kingdom, and you submit a summary of the British declaration on this subject.

I enclose herewith a copy of a letter I received from the Attorney General, which, as you will note, refers to items 1 and 2 of the British declaration.

I am inclined to think that the proposed certificates may be accepted by this Government, in lieu of passports, in cases of Poles departing from the United States. However, the Department would prefer not to make a final decision upon this matter until it has seen the form of certificate to be used and has been informed more definitely as to the proofs of identity and national status upon which they are to be issued as all persons having the legal status of alien enemies are required to obtain the permission of the Department of Justice before they leave this country. This Department is of the opinion that the proposed certificate should set forth the date and place of birth of the holder, the place of his residence prior to his immigration to the United States, and the nationality which he was recognized as being at the time of his arrival in this country. The signed photograph of the person to whom the certificate is

¹ Not printed.

issued should be attached thereto, with an impression of the seal of the office by which the document is granted, placed partly upon the photograph and partly upon the certificate.

I am [etc.]

ROBERT LANSING

[Enclosure ¹]

The Attorney General (Gregory) to the Secretary of State

WASHINGTON, March 21, 1918.

MY DEAR MR. SECRETARY: I have the honor to acknowledge receipt of your communication of March 8,² enclosing copy of communication addressed to your Department by Mr. Ignace J. Paderewski, representative of the National Polish Committee of Paris, on the subject of the establishment in the United States of agencies for the purpose of issuing certificates of Polish nationality to Poles born in Germany and in Austria, as well as in Russian Poland, in which communication Mr. Paderewski states that the Polish Committee have selected Michael Kwapiszewski as their representative to take charge of the actual work of issuing the certificates; and request permission to open subagencies in certain of the larger centers of Polish immigration in the United States at which applications can be received.

You state that before replying to Mr. Paderewski you desire an expression of the views of this Department regarding these Polish agencies.

This Department has no objection to the establishment of such subagencies, nor to the issuing of the certificates referred to. I note however that in the letter addressed to you by Mr. Paderewski under date of February 21, he makes the following statement:

I am happy to say that the British Government has also recognized the National Polish Committee for the issue of similar certificates on the grounds that Poles resident in the United Kingdom are alien friends, and I am submitting a summary of the British acknowledgment and declaration on this subject.

1. Poles resident in the United Kingdom whether Russian, German or Austrian subjects, are considered by the British Government from henceforth as alien friends.

2. The British Government accepts certificates given to Poles by the National Polish Committee as officially establishing that the holder is a Pole.

3. These certificates may be accepted in place of a national passport in case of departure for abroad, after they have been provided with the visé of the National Polish Committee and with the authorization required by the respective states.

4. The National Polish Committee has the right to certify the signature of Poles who carry the certificates of the National Polish Committee.

¹ Filed separately under File No. 860c.01/84.

² Not printed.

If it is inferred from the foregoing quotation that it is the aim of the Polish Committee to seek exemption from the statutory classification of alien enemies, for persons who are to hold these certificates of Polish nationality, I beg to inform you that the classification of alien enemies is defined by Revised Statutes section 4067 and cannot be altered without an act of Congress. I have the honor to point out to you that the fact that I have no objection to the establishment of the agencies referred to must not be interpreted as an expression of opinion by me on the advisability of excluding Poles from the classification of alien enemies.

Respectfully,

T. W. GREGORY

File No. 860c.01/94

The Secretary of State to the Representative of the Polish National Committee (Paderewski)

WASHINGTON, August 20, 1918.

SIR: Referring to the matter of the proposed issuance by your Committee of "Certificates of Polish Nationality" to residents of the United States who may be technically classed as "alien enemies" under the peculiar provisions of section 4067 of the Revised Statutes of the United States, because of their birth in enemy countries, but who are of Polish nationality, I beg to advise you that this Government authorizes the use in such certificates of the following paragraph which corresponds to the wording contained in the form proposed by your Committee with the exception of the omission of the words "and citizens" following the words "public authorities:"

By virtue of authority conferred on the Polish National Committee at Paris (recognized by the United States Government on November 10, 1917¹), by the Department of State of the United States Government, this is to certify that

(Name)

Residing at -----

(Give residence)

Formerly a resident of, and claimed as a subject by -----

is of Polish nationality, and as such, is entitled to the consideration of public authorities which the Government of the United States has agreed to extend to Poles to whom these certificates are issued.

(Signed)

IGNACE JAN PADEREWSKI
*Authorized representative in the United States
of the Polish National Committee at Paris*

¹ See telegram No. 2799 to the Ambassador in France, *Foreign Relations*, 1917, Supplement 2, vol. I, p. 778.

It is to be understood that the terms "consideration of the public authorities which the Government of the United States has agreed to extend to Poles to whom these certificates are issued," implies that whenever the holder of a certificate of this character applies to any official of the Department of Justice for a permit to enter forbidden areas or for a permit to do any other act forbidden by the restrictions contained in the President's proclamations relating to alien enemies, special and liberal consideration will be given to his application.

It is understood that these certificates will not be issued by your Committee to persons of Polish nationality whose loyalty to the United States has not previously been satisfactorily established.

I am [etc.]

ROBERT LANSING

File No. 763.72115/3412a

The Secretary of State to the Attorney General (Gregory)

WASHINGTON, October 5, 1918.

SIR: I have the honor to transmit herewith a copy of a statement which I issued on the 3d of September, in which the Government of the United States formally recognizes that a state of belligerency exists between the Czecho-Slovaks as organized in the Czecho-Slovak National Council and the German and Austro-Hungarian Empires; and also formally recognizes the Czecho-Slovak National Council as a "*de facto* belligerent government clothed with proper authority to direct the military and political affairs of the Czecho-Slovaks."

Furthermore, the Government of the United States declares that it is prepared to enter formally into relations with the *de facto* government thus recognized for the purpose of prosecuting the war against the common enemy, the Empires of Germany and Austria-Hungary.

I desire to bring these facts to your attention for the purpose of arranging that the Czecho-Slovaks in the United States who have not become naturalized as American citizens, although previously residents of territory forming a part of the Austro-Hungarian Empire and subjects of that Empire coming within the classification of alien enemy under Revised Statutes, section 4067, may now receive as nearly as possible the same consideration from your Department as citizens of a government associated with the United States in the war.

I should be pleased to be advised as to what may be done in this respect in order that the policy of the Government, as indicated by its recognition of the *de facto* belligerency of the Czecho-Slovak National Council, may be carried out fully and in good faith.

I have [etc.]

ROBERT LANSING

¹ See Supplement 1, vol. I, p. 824.

File No. 763.72115/3384½

The Attorney General (Gregory) to the Secretary of State

WASHINGTON, October 5, 1918.

[Received October 8.]

SIR: I have the honor to acknowledge receipt of your letter of the 5th inst., transmitting copy of a statement issued by you on the 3d of September, in which this Government formally recognizes that a state of belligerency exists between the Czecho-Slovaks, as organized in the Czecho-Slovak National Council, and the German and Austro-Hungarian Empires; and in which this Government also formally recognizes the Czecho-Slovak National Council as a "*de facto* belligerent government," etc. It is noted also that this Government has declared itself prepared to enter formally into relations with the said *de facto* government for the purpose of prosecuting the war against the common enemy.

I note that you bring these facts to my attention for the purpose of arranging that the Czecho-Slovaks in the United States who have not become naturalized as American citizens, although previously residents of the territory forming a part of the Austro-Hungarian Empire and subjects of that Empire coming within the classification of alien enemy under Revised Statutes 4067, may now receive the same consideration from this Department as are citizens of a government associated with the United States in this war. In reply to your question as to what may be done in this respect in order that the policy of the Government, as indicated by its recognition of the *de facto* belligerency of the Czecho-Slovak National Council, may be carried out, I respectfully call your attention to the fact that under the section of the Revised Statutes above quoted these people, as natives, denizens, subjects and citizens of the Austro-Hungarian Empire, are clearly defined as alien enemies, and I do not understand that they hold rights of citizenship under any other government. It is, therefore, not within the power of this Department to alter the status so created.

In this connection, however, I further direct your attention to the fact that the Czecho-Slovaks within the United States labor under no handicap or restrictions of any description imposed by any branch of the United States Government. The only action taken by this Government toward these people by reason of the state of war, is the action taken by the President granting me power to apprehend and intern any dangerous Austro-Hungarian alien enemy. They have not been required to register as alien enemies; unlike the Germans they are free to enter prohibited areas and restricted zones without permits. Under these circumstances, I see no occasion for any further action to be taken in respect to their treatment by this Depart-

ment. Furthermore, I am distinctly opposed to any modification of the power of internment, which I regard as vitally essential to the national defense.

Respectfully,

T. W. GREGORY

File No. 860c.01/152

The Secretary of State to the Attorney General (Gregory)

WASHINGTON, November 26, 1918.

SIR: Referring to your letter of October 12,¹ and to previous correspondence, particularly to your letter of August 12¹ regarding the issuance by the Polish National Committee of certificates of Polish nationality to residents of the United States who, though technically "alien enemies" under the provisions of section 4067 of the Revised Statutes because of their birth in enemy countries, are of Polish nationality, I have the honor to advise you that Mr. Paderewski, representative in the United States of the Polish National Committee, has recently called at the Department and expressed great disappointment at the attitude of the Government toward Polish residents in the United States. He states that the certificates issued by him have become practically worthless; that, in several instances, holders of such certificates have been arrested and treated with the utmost lack of consideration; that only about 150 certificates have been issued by him, and that he has stopped further issuance of the certificates because of the suspicion under which the holders thereof seem to be held by your Department.

Inasmuch as the issuance of these certificates has been duly authorized by this Government (as you were informed by my letter of September 30, 1918,¹) pursuant to an understanding reached between your Department and the Department of State, I venture to suggest that you may desire to issue instructions to the end that the certificates may receive proper recognition by the agents of the Department of Justice.

I have [etc.]

ROBERT LANSING

PERSONS OF GERMAN BIRTH NATURALIZED IN COUNTRIES OTHER THAN THE UNITED STATES

File No. 763.72115/3170

The British Ambassador (Spring Rice) to the Secretary of State

MEMORANDUM

On July 18 the chairman of the United States Immigration Board of Montreal informed the Registrar of Alien Enemies in that city that the United States authorities at present refuse to acknowledge

¹Not printed.

any naturalised British subject of German birth as a British subject, but treat them as alien enemies.

It is suggested that an arrangement might be made whereby the Canadian authorities should similarly view German subjects naturalised in the United States as alien enemies. The present practice whereby a naturalised United States citizen of German origin is treated exactly the same as the born United States citizen, has given rise to very considerable trouble in Canada. These persons, who are now free to cross and recross the frontier at their pleasure, include many labour agitators with whom it is exceedingly difficult to deal. In fact the protection afforded to such people by their United States naturalisation papers constitutes a serious menace to the welfare of the Dominion and the vigorous prosecution of the war in which both the United States and the British Empire are engaged. It will of course be remembered also that the German Government does not recognise the naturalisation papers of a born German subject, once the holder of those papers returns to Germany; and that such persons become automatically repatriated as German subjects as soon as they return within the confines of the German Empire.

The Canadian Government are anxious before taking any action in the matter to ascertain (a) whether the information conveyed to the Registrar of Alien Enemies in Montreal embodies the practice of the United States Government, and, if so, (b) whether the United States Government would see any objection to the Canadian Government regarding Germans naturalised in the United States as alien enemies. An arrangement of the kind suggested would undoubtedly simplify to a great extent many difficult problems with which the Dominion Government is now confronted.

CECIL SPRING RICE

WASHINGTON, July 30, 1917.

[Received August 2.]

File No. 763.72115/3169

The Secretary of State to the Consul General at Ottawa (Foster)

No. 1723

WASHINGTON, August 24, 1917.

SIR: Referring to your despatches No. 2280 dated July 9, 1917,¹ and No. 2324 dated August 14, 1917,¹ the Department transmits herewith for your information and guidance a copy of a letter received from the Department of Labor¹ stating that all persons who were born in Germany but who have become citizens of any country other than the United States by naturalization are alien enemies.

I am [etc.]

For the Secretary of State:

WILBUR J. CARR

¹ Not printed.

File No. 763.72115/3237½

The Attorney General (Gregory) to the Secretary of State

WASHINGTON, December 27, 1917.

MY DEAR MR. SECRETARY: On August 18, 1917, you transmitted to me a copy of a note from the British Ambassador,¹ asking whether the United States authorities in this country regard a naturalized British subject of German birth as an alien enemy.

On August 24, 1917, I transmitted an answer to you stating that "section 4067, Revised Statutes, expressly defines natives of a country with which the United States is at war as alien enemies, and the President's proclamation of April 6, 1917, was issued in strict conformity with the wording of the statute." I also called your attention to the fact that at the conference held in your office on April 2, 1917, you concurred with me in believing that the policy of the statute was a wise one in treating a person, born in Germany and naturalized elsewhere, as an alien enemy, owing to the fact that the laws of the German Empire did not fully recognize the adoption of a new allegiance by a German naturalized in another country.

The question whether the word "native" included German-born, naturalized in other countries, was, as I recall, discussed at some length between us, and no doubt was expressed as to the meaning of the statute or as to the high advisability of the policy embodied in it. The exact phraseology of the statute is that—

Whenever there is declared a war between the United States and any foreign nation or government, or any invasion or predatory incursion is perpetrated, attempted, or threatened against the territory of the United States, by any foreign nation or government, and the President makes public proclamation of the event, all natives, citizens, denizens, or subjects of the hostile nation or government, being males of the age of fourteen years and upward, who shall be within the United States, and not actually naturalized, shall be liable to be apprehended, restrained, secured, and removed, as alien enemies.

In my opinion the language of the statute is susceptible of but one construction. No qualification is attached to the word "natives." On the contrary the use of the disjunctive conjunction "or" makes it clear that four distinct classes are being named. I cannot but believe that not only the letter, but also the intent of the statute, requires its application to all persons who have been born in Germany (other than American citizens) whether now naturalized in other countries or not.

You will note that the statute prescribes that they shall "be liable to be apprehended, restrained, secured, and removed, *as alien enemies,*" and the President is authorized to direct the conduct to be

¹ Letter of transmittal not printed; note from the British Ambassador printed *ante*, p. 215.

observed "toward the aliens who become so liable." This language still further confirms my opinion that all aliens who come within the scope of the words "natives, citizens, denizens, or subjects," of the hostile country, are liable to be treated "*as alien enemies*."

The Department has, since April 6, 1917, construed the law to apply to all persons born in Germany other than American citizens. The matter has been presented to this Department by you again by letters of October 8, November 22 and December 7,¹ in which you state that the question has arisen in connection with German-born who have become naturalized in Great Britain, Denmark and Argentina.

In your letter of November 22, you suggest that a reply be made to the British Government "that Germans who are naturalized in the United States are entitled to be regarded as American citizens, and reciprocally Germans naturalized in Canada are entitled to be regarded as Canadian citizens, and to be treated in either case as loyal until the presumption in this respect is weakened."

If your suggestion merely applies to the administration of the statute by this Department, I see no objection to it as it is in line with the method of administration now practiced, but if it is intended as a statement of the views of this Government that the statute does not legally apply to naturalized German-born British citizens, then I cannot concur with it. The provisions of the President's proclamation regarding the entry of German-born into this country, and the presence of the German-born in the District of Columbia, for instance, must be, in my opinion, equally applied to all German-born foreigners, whether naturalized British citizens or naturalized Mexican citizens or naturalized Swedish citizens, German born. To take any other position, would, in my opinion, be highly dangerous.

So far, therefore, as the question of law is concerned, I am satisfied that if privileges are to be given to German-born, naturalized in other countries, they must be so given by Congressional legislation amending the present statute.

I am equally satisfied, however, that the question is not really one of law, but rather of practical administration of the statute, and as the Solicitor General has already written to you, under date of September 20, 1917,² "there is room for wide discretion in administering the act as thus interpreted. We should be slow to invoke it against one of German birth who is in good faith a naturalized citizen of a friendly government, and especially of one at war with Germany." This wide discretion, as above stated, this Department has already exercised, and in various cases has treated liberally and issued permits

¹ Not printed.

² Letter not printed.

to German-born naturalized in Canada where such treatment would not have been accorded to a German citizen. This liberal administration of the law and this discrimination between the different classes of alien enemies will continue to be exercised by this Department.

I call your especial attention to the fact that the statute as thus construed, makes it comparatively simple of administration for we avoid all difficulty which might arise from a misconstruction of the naturalization laws of foreign countries, and we also achieve a high degree of accuracy in ascertaining what constitutes an alien enemy, it being comparatively simple to ascertain the place of birth of any particular person, but in many cases difficult to prove nationality or citizenship.

The British Ambassador, in his memorandum of July 30, 1917, transmitted by the State Department to me, states that the protection afforded to German-born by United States naturalization papers "constitutes a serious menace to the welfare of the Dominion and the vigorous prosecution of the war in which both the United States and the British Empire are engaged. It will of course be remembered that the German Government does not recognize the naturalization papers of a born German subject, once the holder of those papers returns to Germany; and that such persons become automatically repatriated as German subjects as soon as they return within the confines of the German Empire." If Germans, naturalized in the United States, constitute a menace to the welfare of the Dominion, it is difficult to see why Germans naturalized in the Dominion do not equally constitute a menace to the United States. I fail to see, therefore, why each nation may not safeguard itself against this menace by legislation. If Canada has not already enacted such legislation, it simply shows that this country, by enacting our statute of 1798, showed greater forethought and adopted safeguards against danger at an earlier period.

Respectfully,

T. W. GREGORY

File No. 763.72115/3280

The Acting Secretary of State to the Argentine Chargé (Quintana)

WASHINGTON, *March 13, 1918.*

MY DEAR MR. CHARGÉ: Referring to the several communications from your Embassy¹ with regard to the case of Alberto Fehlandt, an Argentine citizen of German nativity, who has complained to the Embassy regarding annoyances alleged to have been occasioned him by the Federal authorities, I beg to advise you that this matter has been brought to the attention of the Department of Justice.

¹ Not printed.

Since Mr. Fehlandt was born a subject of a country with which the United States is now at war, it is not unnatural that he should entertain, as between the United States and Germany, sympathetic sentiments for the country of his birth and that therefore he should be subject to the presumption that his attitude might be inimicable to the United States now the enemy of his native country. When viewed in this light I am sure that you will agree with me that this Government must, in the interest of the public safety, recognize these natural inclinations and act upon the presumptions to be drawn therefrom, at least to the extent of regarding such aliens, although of neutral nationality in law, with circumspection. Such I am now advised has been the course of the Department of Justice, but I am confident that Mr. Fehlandt will not have any cause for further complaint and will not be occasioned any serious inconveniences so long as he observes the laws of the United States.

I am [etc.]

FRANK L. POLK

File No. 311.59/52

The Secretary of State to the Attorney General (Gregory)

WASHINGTON, *May 31, 1918.*

SIR: Referring to previous correspondence¹ in respect to the case of Capt. M. S. Hveissel, a Danish subject who was detained at Ellis Island for about seven weeks from October 29, to December 19, 1917, by American authorities, apparently for the reason that he was born in 1866 in Flensburg, Germany, and is therefore classed as an alien enemy under Revised Statutes 4067, I have the honor to enclose copies of two notes which have been received from the Danish Minister, dated April 8, and May 17, 1918,¹ presenting a claim on behalf of Captain Hveissel for pecuniary losses caused him by his internment at Ellis Island. I would be pleased to have such comments as you may desire to make upon these communications, and to be furnished with a full statement of facts in this case in order that I may be in a position to make an appropriate reply to the notes of the Danish Minister.

I have not forwarded these notes at an earlier date, inasmuch as it was necessary to give consideration to the general question as to whether claims presented on behalf of foreign governments for the detention of their subjects under Revised Statutes 4067 were valid and just under the law and practice of nations. In this connection it has been necessary to consider questions of policy in view of the previous attitude and position of the United States on the ques-

¹ Not printed.

tion of expatriation and naturalization. A brief preliminary summary of the study of these questions in the Department is enclosed herewith.¹

I have [etc.]

ROBERT LANSING

File No. 311.59/70

The Acting Secretary of State to the Danish Minister (Brun)

No. 464

WASHINGTON, July 18, 1918.

SIR: Referring to your notes of April 8 and May 7 [17], 1918,¹ in regard to the claim of Capt. M. S. Hveissel for pecuniary losses caused by his internment at Ellis Island, I have the honor to inform you that I am in receipt of a letter, dated June 13, from the Department of Justice reading in part as follows:

This Department has the honor to advise you that Captain Hveissel is evidently under misapprehension when he states that he was interned at Ellis Island. Captain Hveissel was originally detained on October 31, 1917, by the immigration authorities at Ellis Island, as is customary in all cases where aliens apply for admission into the United States. No presidential warrant was ever issued for the detention of Captain Hveissel, but in his application for permission to enter and depart from the United States he made a statement to the effect that he was a native of the German Empire. The immigration authorities, as is customary in such matters, granted a hearing to Captain Hveissel and found him "inadmissible under the immigration laws, but being a native of Germany, unanimously excluded under regulation 10 of the President's proclamation of April 6, 1917." On November 13, 1917, a copy of the hearing and decision by the Special Board of Inquiry by the Department of Labor was forwarded to this Department in order that a decision might be rendered by the Department on the application of Captain Hveissel that he be allowed to enter and depart from the United States. On December 11, 1917, this Department advised the Secretary of Labor that the Department of Justice consented to the entrance and departure of Captain Hveissel and a formal permit to enter and depart was at that time granted. In due course, Captain Hveissel was released by the immigration authorities on December 19, 1917, and granted a permit to depart from the United States.

From these facts you can readily see that Captain Hveissel was at no time held under internment process and that his case was entirely one under the immigration law at all stages with the exception that a permit from this Department was necessary before he could be allowed by the immigration authorities to enter and depart from the United States. The question of granting a permit to him was decided upon in due course with only such delay as was necessary to a proper and thorough investigation of the circumstances of his arrival in the United States, the purpose of his visit and the advisability of granting him admission.

¹ Not printed.

While the Department realizes that Captain Hveissel was put to considerable inconvenience as the result of the procedure followed in all cases where alien enemies apply for admission into the United States under regulation 10 of the President's proclamation of April 6, 1917, nevertheless, this Department is firmly of the opinion that it would be dangerous to the safety and welfare of the United States to allow natives of the German Empire, though naturalized in countries other than the United States, to freely enter and depart from the United States without a thorough and careful investigation as to the reasons for their presence in or departure from the United States, especially in view of the fact that persons falling within this class are in a peculiarly advantageous position to render aid and assistance to the enemies of the United States. This Department, furthermore, is of the opinion that persons of this class, unless properly vouched for, should be detained at the port of arrival or departure for a sufficient length of time to allow any information from the enemy or of value to the enemy to become worthless by lapse of time.

Accordingly, this Department has the honor to state that in its opinion the claim submitted by Captain Hveissel is without foundation.

Accept [etc.]

FRANK L. POLK

OFFICERS AND CREWS OF GERMAN MERCHANT SHIPS IN
AMERICAN PORTS ¹

File No. 763.72111/4757

The Secretary of Labor (Wilson) to the Secretary of State

WASHINGTON, April 6, 1917.

MY DEAR MR. SECRETARY: As an expeditious means of furnishing you with information with respect to the manner in which this Department has cared for the officers and crewmen of the German vessels lying in American ports, I have the honor to hand you herewith a copy of a communication which I am at this time sending to the President.

Cordially yours,

W. B. WILSON

[Enclosure]

The Secretary of Labor (Wilson) to President Wilson

WASHINGTON, April 6, 1917.

MY DEAR MR. PRESIDENT: I desire to submit the following report with regard to what has been done by this Department in the matter

¹ For correspondence regarding the taking over of German merchant ships in American ports, see *Foreign Relations*, 1917, Supplement 2, vol. II, pp. 1245 et seq.

of caring for the officers and men of the German merchant vessels lying in ports of continental United States, Porto Rico and Hawaii.

Notice that the resolution declaring that a state of war exists had passed the House of Representatives reached the Department at 3.14 o'clock this morning. A telegram containing, in accordance with a prearranged plan,¹ the words "proceed instantly" was placed upon the wires and started to the immigration officer in charge at every port where vessels are lying at 3.15 a. m. At 3.22 a. m. reports that the messages had been received commenced to arrive, and by 9.30 a. m. assurances of the receipt and delivery at every place upon the continent, Porto Rico and Hawaii were in hand.

At this writing reports by telegraph or telephone have been received from the officers in charge at the following places, showing that the instructions were promptly carried out, the officers and crewmen taken into custody without any trouble of any kind and conveyed to immigration stations or other places of safety: Boston, New London, New York, Baltimore, Newport News, Wilmington, N. C., Savannah, and New Orleans. The places still to be heard from are Jacksonville, Philadelphia, San Francisco, Seattle, Portland, Ore., Honolulu, and San Juan.

Several questions have arisen which are of interest to one or more Departments other than the Department of Labor, and these will be raised in Cabinet meeting or discussed with the particular Cabinet officer concerned.

Faithfully yours,

W. B. WILSON

File No. 763.72111/5140

The Swiss Minister (Ritter) to the Secretary of State

Department of German
Interests VII Prinz. 2

WASHINGTON, June 14, 1917.

SIR: In pursuance of instructions from the Swiss Foreign Office I have the honor to present for Your Excellency's consideration the following questions concerning which the Imperial German Government desires to be informed.

1. What treatment has been and is being accorded the crews of the German merchant vessels in ports of the United States, and

¹ The plan was embodied in the following telegram sent by the Department of Labor to the immigration officers on Apr. 4, 1917:

"Lay all plans, but take no actual step until receipt of cablegram reading 'proceed,' to take charge of and detain in immigration station every officer and crewman of German merchant vessels only. Customs officers will take charge of vessels and later turn over personal effects of officers and men. Military or naval officers will furnish soldiers or marines needed to aid in safely and surely conveying men to station. Immigration officers may carry arms if in your judgment necessary." (File No. 763.72115/3860.)

what are the intentions of the Government of the United States in regard to the future status and treatment of these men?

2. Is the Government of the United States prepared to apply to the crews of German merchant vessels the provisos of articles 6 and 7 of the eleventh Hague convention of October 18, 1907?

Accept [etc.]

File No. 763.72111/5214

The Secretary of Labor (Wilson) to the Secretary of State

No. 54274

WASHINGTON, June 26, 1917.

[Received June 28.]

SIR: I have the honor to acknowledge the receipt of your letter of the 15th instant,¹ inclosing copy of a note received from the Swiss Minister at this Capital, representing German interests in the United States,² in which he requests certain information regarding the crews of the German merchant vessels in the ports of the United States. You request to be furnished with an early reply to the questions asked by the Swiss Minister.³

1. From the outset the officers and crewmen of the German merchant vessels that had come into ports of the United States and remained there while this country was a neutral in the conflict between the Central and the Allied Powers have not been regarded as prisoners of war, and they are not now being so regarded or treated. They were and are considered, rather, as aliens who, while physically within the jurisdiction of this country, were constructively outside and in the same situation as any other alien arriving in a United States port and applying for admission but not yet formally admitted. When the Congress of the United States declared a state of war to exist between this country and Germany, the President issued a proclamation defining "alien enemies." The issuance of this proclamation made it necessary to regard the German officers and crewmen as alien-enemy applicants for admission in addition to their general status of aliens at the portals but not yet within the United States, under the meaning of the immigration law. Proceeding upon this theory, the officers and crewmen have been excluded and, their deportation not being practicable, have been detained. Throughout the procedure incident to so regarding them and disposing of their cases, it has been the practice to accord to the officers, to the fullest extent practicable, the same kind of treatment, as to quartering, feeding, etc., as would be given to first-class passen-

¹ Not printed.

² *Supra*.

³ The following reply was not forwarded to the Swiss Minister.

gers arriving at ports of the United States and taken to immigration stations thereof; and the crewmen have been accorded, as nearly as possible, the same kind of treatment as would be given steerage or third-class passengers arriving at ports of the United States and taken to immigration stations thereof. Because the immigration stations, while adapted to the accomplishment of the purposes in view for limited periods of time, were not altogether suitable for detaining the officers and crewmen, respectively, for long periods and at the same time observing the requirements with regard to their treatment which the Department from the outset imposed upon itself, arrangements are now being perfected for the further detention of the officers and crewmen in internment camps where they can be given opportunities for healthful employment or recreation and where all inconveniences resulting from the restricted areas and somewhat confined limitations of immigration stations would be overcome. In pursuance of this policy the officers and crewmen who were for a very brief period detained in the immigration station at Boston have been removed to Gallup Island, Boston Harbor; a number of the officers who have been detained at the immigration station at New York (Ellis Island) have already been removed to Hot Springs, N. C., where a large, commodious, well-appointed building, to which extensive grounds are attached, has been rented; and arrangements are now being made to convey the crewmen at Ellis Island to another near-by point in North Carolina. The same is true with regard to the officers and crewmen, respectively, who have been detained at the immigration station at New Orleans; and as rapidly as possible similar accommodations will be afforded for those now detained at San Francisco, Calif., and Gloucester City, N. J., respectively.

2. It would seem more appropriate for the Department of State to answer the Swiss Minister's second question than for this Department to do so. It will be seen, however, from the above answer to the Minister's first question, that this Department has not applied to the cases the provisions of articles 6 and 7 of the 11th Hague convention of October 18, 1907, which articles read as follows:

ARTICLE 6. The captain, officers, and members of the crew, when nationals of the enemy State, are not made prisoners of war, on condition that they make a formal promise in writing, not to undertake, while hostilities last, any service connected with the operations of the war.

ARTICLE 7. The names of the persons retaining their liberty under the conditions laid down in Article 5, paragraph 2, and in Article 6, are notified by the belligerent captor to the other belligerent. The latter is forbidden knowingly to employ the said persons.

This Department has not understood that the Government considered that these articles applied to the officers and crewmen who were

within our harbors under the conditions above alluded to when a state of war with Germany was declared to exist. Presumably, the theory upon which this holding rests is that chapter 3 of the 11th Hague convention of 1907 relates to "crews of enemy merchant ships captured by a belligerent," and that the vessels, the officers and crewmen of which are under discussion, were not "captured" within the meaning of said chapter.

Cordially yours,

W. B. WILSON

File No. 763.72115/3184

The Assistant Secretary of Labor (Post) to the Secretary of State

WASHINGTON, September 6, 1917.

SIR: I have the honor to acknowledge the receipt of your letter dated August 14, No. 763.72115/3174,¹ quoting a despatch received from the American Consul at Auckland, requesting, for the information of the New Zealand Government, to be advised whether German crews remain aboard interned vessels at Honolulu, and whether Germans there are permitted to communicate with the outer world.

In reply I beg to state that alien enemies aboard German steamers at the port of Honolulu were removed from their vessels and interned, the same as at ports in continental United States. The aliens are permitted to communicate with the outside world, but all incoming and outgoing mail is censored. In connection with the above it may be stated that a majority of the aliens interned at Honolulu have been transferred to San Francisco for detention.

Respectfully,

LOUIS F. POST

File No. 763.72115/3227

The Secretary of State to the Swiss Minister (Sulzer)

No. 49

WASHINGTON, December 6, 1917.

SIR: I have the honor to inform you that between the 15th and 22d of December, 1917, there will arrive in San Francisco, Calif., 423 male German aliens, 18 German women and 13 German children who were removed from the German merchant vessels in the harbors of the Philippine Islands. The Government of the United States has considered it advisable to intern these male alien enemies for the duration of the war but is unwilling at present to intern the

¹ Not printed.

women and children, provided they are found to be admissible under the immigration law.

Inasmuch as these women and children are presumably without means of support, I desire to bring the matter to your attention, as in charge of German interests in the United States, for such steps as you may be able to take towards affording them relief, in order that they may not be left in a destitute condition in San Francisco, Calif.

Accept [etc.]

ROBERT LANSING

File No. 763.72114/3607a

The Secretary of State to the Secretary of Labor (Wilson)

WASHINGTON, April 25, 1918.

SIR. In dealing with the various questions which have arisen from the internment of certain categories of enemy aliens in this country, I have found that difficulties have arisen from the fact that jurisdiction over these enemy aliens is divided between the Departments of War, Justice and Labor. I have, therefore, come to the conclusion that in order to coordinate the treatment of the various classes of interned enemy aliens and to present a unified front to our enemies in this connection, it might be advisable to transfer the former crews of enemy merchant ships who are now in your custody to the jurisdiction of the Department of Justice. The Attorney General could then, in his discretion, transfer those seamen whom he considered it undesirable to release on parole to the custody of the War Department for permanent detention during the period of the war.

I understand that this question was discussed at an informal conference held at the Department on April 22, at which the representatives of the various Departments interested were in agreement as to the advisability of this proposed transfer and I shall therefore be glad to learn whether the suggestion meets with your approval, and whether steps may not now be taken to carry it into effect.

I have [etc.]

ROBERT LANSING

File No. 763.72114/3608

The Acting Secretary of Labor (Abercrombie) to the Secretary of State

No. 54278/General

WASHINGTON, May 11, 1918.

[Received May 14.]

SIR: I have the honor to acknowledge the receipt of your letter of the 25th ultimo, in which you express the view that in order to coordinate the treatment of the various classes of interned enemy

aliens and to present a unified front to the enemy in this connection it might be advisable to transfer the former crews of enemy merchant ships who are now in the custody of this Department to the jurisdiction of the Department of Justice, so that the Attorney General could then, in his discretion, transfer those seamen whom he considered it undesirable to release on parole to the custody of the War Department, which now holds all other classes of prisoners of war and interned enemy aliens.

This Department appreciates the force of the representations made by you with respect to the international phases of this matter, and I beg to advise you that the Department is willing to adopt your suggestion and has written the Secretary of War to that effect.

Respectfully,

JOHN W. ABERCROMBIE

**OFFICERS AND CREWS OF CAPTURED AMERICAN
MERCHANT SHIPS**

File No. 763.72114/3660

The Minister in Switzerland (Stovall) to the Secretary of State

[Telegram]

BERNE, *May 25, 1918, 10 a. m.*

[*Received May 27, 11.25 p. m.*]

3456. Communication signed jointly by following officers of mercantile marine service, Antone Olsen, Hilmar Richardson, Charles Bowman, Robert Trudgett, Arnold Blom, Edward B. Moore, Adolf Colstad and Matthew Buckard, prisoners at Heidelberg, transmitted by Spanish Embassy, Berlin, asks following information:

- (1) What is status of such officers and seamen as prisoners and to what privileges are they entitled?
- (2) What arrangement made concerning payments of salaries or proportion thereof, and shall payment date from time of original capture on high seas or date of landing as prisoners?
- (3) What arrangement for Red Cross relief, communication with owners, bankers, agents, or relatives?
- (4) Eligibility for repatriation on ground of age and incapacity.

They state they are satisfied with treatment and consideration of German authorities. Accompanying note from Imperial Department of Foreign Affairs states that in absence of agreement these men are treated as officers and interned in camp as long as they can provide for their own maintenance. Documents follow by mail. Please advise what action to take. Food has been sent regularly by American Red Cross and acknowledgment received from all except one.

STOVALL

File No. 763.72114/3660

The Acting Secretary of State to the Ambassador in Great Britain
(Page)

[Telegram]

WASHINGTON, June 4, 1918, 5 p. m.

8075. Ascertain and cable as soon as possible attitude of British Government towards status of British officers and crews of British or foreign armed merchant vessels who have been captured and interned by Germans. Does British Government acknowledge German right of capture and regard these men as prisoners of war? Does Government or employers pay them salaries or relief, and do salaries date from time of original capture on high sea or date of landing as prisoners? What amounts are paid respectively to officers and men? Report fully any arrangements made in this connection.

PHILLIPS

File No. 763.72114/3722

The Chargé in Great Britain (Laughlin) to the Secretary of State

[Telegram]

LONDON, June 19, 1918, noon.

[Received 8.35 p. m.]

10710. Answers received from Foreign Office to three specific inquiries contained in your 8075, June 4, 5 p. m., appear to furnish all essential information on subject of status of officers and crews of British mercantile marine interned in Germany.

1. His Majesty's Government admit the right of capture, and regard the officers and crews of the mercantile marine when captured as civilian prisoners of war. The German Government have claimed to treat such persons as combatants in all cases when they belong to the crews of prizes.

The object of this claim is to justify the German Government in their policy of indiscriminate submarine warfare. This claim if conceded would result in the assimilation of the status of merchant ships subsidiary [to that] of warships and in the abandonment of their right to defend themselves against attack without losing their non-combatant character. The German Government have a further interest in treating seamen of the mercantile marine as combatants inasmuch as in some capacity they can be compelled to work.

You will therefore understand the extreme importance which His Majesty's Government attach to maintaining their view of the civilian status of members of the mercantile marine who are prisoners of war. A communication will shortly be forwarded to the Netherland Legation at Berlin relative to this matter and I shall have the honor to forward a copy of it to you as soon as possible.

2. No allowances are paid by His Majesty's Government to the captured officers and men of the mercantile marine except in the cases of officers to the extent mentioned below nor is there any legal

liability on the part of the shipping companies to pay salaries or wages to their captured employees. The companies, however, in nearly all cases provide relief voluntarily for their interned employees.

3. Although His Majesty's Government refuse to recognize captured merchant seamen as combatant prisoners, they have found it necessary, in order to obviate the hardships which result from the internment of the officers of merchant ships in combatant camps where they would be compelled to work and otherwise treated as prisoners of the rank and file, to make arrangements by which allowances amounting to 100 marks and 60 marks a month respectively, according to rank, are paid to the officers in the event of their being transferred by the German Government to camps for combatant officers. Although the German Government claim to treat these officers as combatants, they would not intern them in combatant officers' camps as a matter of course because the contention of His Majesty's Government that these prisoners are civilians precludes them from guaranteeing the repayment to the German Government at the termination of hostilities of pay advanced in accordance with the article 17 of the annex to the Hague convention of 1907, as would be done in the case of combatant officers. Under the arrangement made for the payment of allowances to the officers of the mercantile marine their transfer to officers' camps cannot of course be claimed by His Majesty's Government as a matter of right. In order to emphasize the distinction between combatant officers and mercantile marine officers interned in officers' camps the allowances paid to the latter by the German Government are repayable by His Majesty's Government per ton [*from time to time*] and not on the conclusion of peace. Accordingly the contention of His Majesty's Government as to the civilian status of the prisoners in question is not prejudiced by the transfer of the officers to camps for combatant officers.

The ratings to whom the allowance of 100 marks a month are made are as follows: masters, officers second in command, and chief engineers holding Board of Trade certificates.

Those to whom the allowance of 60 marks monthly are made are all junior deck officers and junior engineer officers holding Board of Trade certificates, pursers, and certificated wireless operators.

Uncertified officers, both deck and engineer, have recently been added to the 60-mark class.

The allowances are not paid to these ratings whether of the 100- or 60-mark class unless they are interned in camps for combatant officers.

It should be observed that these allowances while guaranteed by His Majesty's Government are to be defrayed ultimately by the shipowners concerned, who have in general raised no objection to this liability. Consequently the amount involved is not a charge on Government funds.

Arrangements have been made for the payment of allowances to the dependents in this country of captured officers and men of the mercantile marine. These dependents receive either the same allowances as they would have received if the men had lost their lives by enemy action, or allowances in accordance with the following scale if it is more beneficial, namely, half wages or 1 pound weekly, which-

ever is less. The dependents' allowances are payable from the date of capture, 80 per cent being defrayed by His Majesty's Government and the remaining 20 per cent by the shipowner.

A circular explaining the allowances payable in the case of men who have lost their lives as the result of enemy action will be sent in next pouch.¹

LAUGHLIN

File No. 763.72114/3909

The Minister in Switzerland (Stovall) to the Secretary of State

[Telegram]

BERNE, August 8, 1918, 11 a. m.

[Received August 9, 9.35 p. m.]

4237. Department's 2371, July 31, 7 p. m.² I have requested Spanish Embassy, Berlin, to pay weekly allowance of 5 marks to interned American civilians in need who are actually American citizens.

Will Department please instruct me of attitude which should be adopted towards [officers and] crews of American merchant ships now interned in Germany who are not American citizens, or who claim American citizenship on insufficient grounds, both as regards relief in food parcels by Red Cross and financial relief from Spanish Embassy.

I am of opinion that these persons deserve consideration if they were taken prisoners from American merchant ship[s].

STOVALL

File No. 763.72114/3909

The Secretary of State to the Minister in Switzerland (Stovall)

[Telegram]

WASHINGTON, August 27, 1918, 2 p. m.

2611. Your 4237, August 8, 11 a. m. Shipping Board will shortly assume financial relief of officers and crews of American merchant ships interned in Germany who are American citizens.

Shipping Board is considering extension of proposed relief to include interned officers and seamen of American merchant ships who are citizens of neutral countries. Interned officers and seamen who are citizens of Allied countries should be provided for by government of which they are nationals.

¹ Circular not printed.

² Not printed.

Red Cross food parcels are being sent to interned officers and seamen, unless otherwise provided for, irrespective of nationality.

Pending commencement of Shipping Board relief you may authorize Spanish Embassies, Berlin and Vienna, to include in financial relief interned officers and crews of American merchant ships of American or neutral nationality.

LANSING

File No. 763.72114A/101

The Secretary of State to the Minister in Switzerland (Stovall)

[Telegram]

WASHINGTON, September 6, 1918, 4 p. m.

2669. For Garrett:

Shipping Board has requested that the transfer to an officers' camp of the three officers of the merchant marine, namely, Capt. Alfred Oliver, Dr. John W. Brown, and David Johnson, now interned at Brandenburg, be arranged for, if possible, at the conference.¹ Improvement of the lot of all the American merchant seamen and officers is to be desired, but care must be taken not to recognize directly or indirectly as valid the German contention that these men are prisoners of war and not civil prisoners.

LANSING

ENEMY ALIENS IN PANAMA, CUBA, AND THE DOMINICAN REPUBLIC: RECOMMENDATIONS OF THE UNITED STATES

File No. 763.72114/3965

The Minister in Panama (Price) to the Secretary of State

[Telegram]

PANAMA, April 3, 1917, 9 p. m.

[Received April 4, 8.50 a. m.]

Circular April 2,² repeated promptly. Congratulations. I had an audience with Panaman Minister for Foreign Affairs at once with thoroughly satisfactory results. The Governor of Panama Canal and I conferred with Panaman President and his advisers this afternoon and cordial cooperation was assured us. The Governor of Panama Canal requested that all adult male Germans in the Panaman Republic upon a formal declaration of war be apprehended, and delivered to Canal Zone authorities for internment, and Panaman President assented.

PRICE

¹ American-German Prisoners of War Conference at Berne.

² *Foreign Relations*, 1917, Supplement 1, p. 194.

File No. 763.72115/3101

The Minister in Panama (Price) to the Secretary of State

[Telegram]

PANAMA, April 12, 1917, 12 noon.

[Received 3 p. m.] ✓

Panaman police today apprehended simultaneously about 30 Germans in Panama and Colon who were definitely suspected of improper activities. A few United States troops were present to preserve order. The Germans will be interned for the present at Taboga Island. At the same time officers and crews of the German vessels at Cristobal were taken from the Canal Zone to Taboga, where they will be comfortably quartered in the United States Government-owned hotel. Cable reports of these facts will be censored. This action does not cause me to alter recommendations of my cablegram of April 9, 7 p. m.¹

PRICE

File No. 763.72114/3965

The Secretary of State to the Minister in Panama (Price)

[Telegram]

WASHINGTON, April 12, 1917, 4 p. m.

Your April 3, 9 p. m. War Department has cabled Governor of Canal Zone that President does not regard with favor internment or sequestration of German subjects and their families, and if present military force is insufficient for protection of Canal Zone, additional troops will be furnished.

LANSING

File No. 862.20219/55

The Secretary of State to the Minister in Panama (Price)

No. 390

WASHINGTON, June 21, 1917.

SIR: The Department has received your No. 1388 of May 15, 1917, confidential, enclosing a copy of a note from the Panaman Foreign Office forwarding a complaint of the Consul of Sweden, accredited to Panama, concerning the internment of Oscar W. Eliassen with the Germans at Taboga Island.¹

In reply I have to say that you are authorized to advise the Panaman Minister for Foreign Affairs that this Government will hold

¹ Not printed.

Panama harmless against loss on account of having heretofore interned persons in conformity with this Government's desire, provided this Government shall be kept informed of the proceedings of claimants and be satisfied that the Government of Panama resisted their claims in good faith.

I am [etc.]

ROBERT LANSING

File No. 763.72114/3515

The Minister in Panama (Price) to the Secretary of State

[Telegram]

PANAMA, April 16, 1918, 4 p. m.

[Received 11.19 p. m.]

War Department on April 11 telegraphed Commanding General, Panama Canal Department, to transfer interns at Taboga Island to New York and abandon former as internment camp. Transport sails Friday on which they have been ordered sent. Upon being authorized yesterday, I promptly informed Panaman Minister for Foreign Affairs of it. He requested a formal note and stated he would make response after consulting Panaman President and Cabinet, and that he would expect Panama's jurisdiction in the matter of these interns, and that they were Panaman interns, as distinguished from American interns, to be recognized by us. I have submitted note after approval by Commanding General, simply stating that transfer had been found necessary as a military measure and expressing the confidence that as heretofore Panama would accord with the judgment of those upon whom responsibility for protection of Panama and the Canal rested. I anticipate no real trouble from Panama except insistence upon recognition of the technical rights mentioned. It would seem Commanding General and Judge Advocate and advisers, while not yet agreeing that the above insistence of Panaman Minister for Foreign Affairs should be recognized, if asserted in response to my note, feel that the reservation mentioned must by all means be maintained. I refer to Department's instruction of June 21, 1917, No. 390.

We have accepted that statement, have recognized same, and can do so as requested without prejudice, except that in the practical application of the same or equal rights claimed by us in war time in such matters in relations with Panama, the reservation should be maintained that our judgment and will must prevail in the event of non-accord. Told Panama we would leave Frieda Bartel and child with them under the terms heretofore designated. Instructions will be expected if issue is made.

PRICE

File No. 763.72114/3522

The Minister in Panama (Price) to the Secretary of State

[Telegram]

PANAMA, April 19, 1918, 10 a. m.

[Received 5.35 p. m.]

Supplementing my cablegram of April 16, 4 p. m. After conference arranged by me between Panaman President and advisers, Commanding General, and myself, agreement was reached that the legal status of interns at Taboga with respect to our two Governments shall not be changed by their transfer to the United States and that the rights of our respective Governments with reference to said interns, whatever they may be, shall not be forfeited or altered and that the agreement authorized by Department's instruction of June 21, 1917, No. 390, shall not be changed thereby. Formal note passed to said effect, and interns including Bartel and child will be sent by transport sailing this afternoon. [Omission] accord but the Panaman Government obtained point by virtue of above agreement. Commanding General also agreed informally at the request of Panaman authorities to receive and keep remainder of Germans in Panama if Panaman authorities later should arrest and intern them as reprisals on account of the interns [*internment?*] by Germany of their three Panaman students and of two other Panamans just heard of.

PRICE

File No. 763.72114/4062

*The Swiss Chargé (Hübscher) to the Secretary of State*Department of German
Interests 8-L

WASHINGTON, June 12, 1918.

[Received June 17.]

SIR: By direction of my Government, I have the honor to inform Your Excellency that the German Government enters formal protest against the deportation to the United States of German subjects residing at Panama and holds the Government of the United States responsible for all injury sustained thereby to life, health and property.

Accept [etc.]

CARL P. HÜBSCHER

File No. 763.72114/3546

The Secretary of State to the Secretary of War (Baker)

WASHINGTON, June 18, 1918.

SIR: I have the honor to acknowledge the receipt of your letter of April 27, 1918, transmitting a paraphrase of a telegram dated

April 10, 1918, from the Commanding General, Panama Canal Department,¹ stating that the Spanish Vice Consul in charge of German interests claims that aliens interned on Taboga Island are interned by the Republic of Panama and not by the United States, and questioning the jurisdiction of this Government in the premises. You transmit a memorandum¹ by Col. Herbert A. White, formerly Judge Advocate of the Panama Canal Department, who is familiar with the details concerning the internment of these aliens and you state that in pursuance of a proposal to remove these interns to the United States in order that Taboga Island may revert to its previous status as a place of recuperation for employees of the Panama Canal Zone, these interned aliens sailed for the United States April 19, 1918. In view of the question of jurisdiction raised by the representative of German interests, you request an expression of the views of this Department in the premises.

In reply I beg to advise you that in view of all the circumstances it would seem possible and proper for the United States to accept the custody of civil interns held by Panama, and to hold them as Panamanian interns rather than as American interns, by and under an informal arrangement with Panama, unless there is some provision or doctrine of military law which would make such construction illegal or inexpedient—a point which, the Department assumes, has already been considered by the War Department.

I have [etc.]

ROBERT LANSING

File No. 311.62/1895

The Swiss Chargé (Hübscher) to the Secretary of State

Department of
German Interests
I-d-11

MEMORANDUM

The Chargé d'Affaires *a. i.*, of Switzerland, representing German interests in the United States, presents his compliments to the Secretary of State, and has the honor to enclose copy of a *note verbale* which the German Government forwarded through the Swiss Foreign Office, for transmission to the United States Government protesting against the treatment of German subjects in the Dominican Republic.

WASHINGTON, June 1, 1918.

[Received June 29.]

¹ Not printed.

[Enclosure—Translation]

The German Foreign Office to the Swiss Legation at Berlin

No. III-B-17641

74571

NOTE VERBALE

The German Government understands that the Germans in the Dominican Republic are subjected to the most shameful treatment by the local authorities. The most respectable members of the German colony are even thrown into prison without apparent cause. From what has been learned here, the German Government has not the least doubt that the Dominican authorities are so acting under the pressure of the Government of the United States of America.

The Foreign Office would be thankful to the Swiss Legation if it would use its good offices in having the Swiss Legation at Washington instructed by cable to lodge with the Government there an emphatic protest against these proceedings.

It must also be asked that it be made clear to that Government that the German Government will hold it responsible for any injury that the Germans herein referred to may suffer in their life, health, or property from the outrageous proceeding of the Dominican authorities.

BERLIN, *May 16, 1918.*

File No. 763.72114/3911

The Swiss Chargé (Hübscher) to the Secretary of State

Department of German
Interests VIII-L-2

The Chargé d'Affaires *a. i.* of Switzerland, representing German interests in the United States, presents his compliments to the Secretary of State, and referring to his note of June 24, 1918,¹ has the honor to enclose copy of a *note verbale* of the German Government, transmitted to this Legation by the Swiss Foreign Office, regarding the protest against the internment in Fort La Cabaña, Havana, of German subjects residing in Cuba.

The Chargé d'Affaires *a. i.* would esteem it a great courtesy if His Excellency would be kind enough to inform him of the decision taken in this matter.

WASHINGTON, *August 7, 1918.*

[*Received August 10.*]

¹ Not printed.

[Enclosure—Translation]

The German Foreign Office to the Swiss Legation at Berlin

No. III C. 20576

86439

NOTE VERBALE

It appears from a communication of the Spanish Legation at Havana that the Cuban authorities for the time being are carrying out the internment at the prison camp of Fort La Cabaña of the German residents of Cuba.

The German Government entertains no doubt that the action of the Cuban authorities against the German subjects living in Cuba is to be traced back to a pressure exercised by the American Government and that nothing but a mere expression of a wish from Washington would be needed to bring to an end these forcible measures against the Germans which the climatic conditions of the island only make all the more trying.

The Foreign Office has the honor to apply to the Swiss Legation for its good offices in having the Swiss Legation at Washington instructed by cable to lodge with the American Government an emphatic protest, based on the foregoing, against the disgraceful treatment to which the Germans are subject in the island of Cuba and to lay stress on the point that the German Government will hold the Government of the United States of America responsible for all the damages to life, health and property that the German subjects in Cuba may suffer from the treatment they shall have to undergo.

BERLIN, *May 31, 1918.*

File No. 311.62/2333

The Secretary of State to the Swiss Chargé (Hübscher)

The Secretary of State presents his compliments to the Chargé d'Affaires *ad interim* of Switzerland, in charge of German interests in the United States, and has the honor to acknowledge the receipt of his memorandum dated June 1, 1918, enclosing a copy of a *note verbale* forwarded by the German Government through the Swiss Foreign Office for transmission to this Government, protesting against the treatment of German subjects in the Dominican Republic.

In reply the Secretary of State begs to inform the Chargé d'Affaires that the complaints made in the *note verbale* from the German Government have been thoroughly investigated, and a report thereon has been received, and no trace has been found of shameful treatment of German nationals in the Dominican Republic which is alleged in the German note.

It appears from the report that several German nationals have been convicted in a military court for the unauthorized possession of arms and ammunition, but these prisoners in every case have received the same humane treatment as citizens of other countries convicted of similar offenses. Certain other German nationals have been placed under arrest for observation and safe-keeping under the strongest suspicion of plotting insurrection against the military authority of the Dominican Republic. These prisoners have been treated with great consideration, and except for their being always deprived of their freedom, they are entirely comfortable and there is no foundation for any of the complaints on their part.

The report concludes with the statement that the investigator from his own personal knowledge is in a position to state that any charge of inhuman treatment of Germans in the Dominican Republic is completely false and without any basis in fact.

WASHINGTON, *September 4, 1918.*

File No. 763.72114/4059

The Secretary of State to the Attorney General (Gregory)

WASHINGTON, *October 28, 1918.*

SIR: I have the honor to acknowledge the receipt of your letter of September 27, 1918,¹ inviting my attention to certain German subjects who were interned by the governmental authorities of the Republic of Panama within the territory of that country and thence removed under agreement between the Republic of Panama and representatives of this Government to this country. You ask for a statement of my attitude with regard to the status of these enemy aliens, especially as to the question whether "the informal arrangement entered into between the officials of this Government in the Canal Zone and the officials of the Government of the Republic of Panama" can be said to justify, under international law, our action in imprisoning these men within the United States.

I have the honor to state, in reply, my opinion that the removal of these enemy aliens from the Republic of Panama to this country and their detention by this Government is justified, in view of the following considerations.

The circumstances as understood by the Department under which the internment in Panama of the persons in question was made and their removal was arranged are briefly as follows:

¹ Not printed.

1. It appears that about February 3, 1917, previous to the declaration of war the crews of four German ships which were in the Panaman port of Colon were removed and detained. The statement of the War Department, transmitted in its letter of April 27, 1918, to the Secretary of State in respect to this incident, is as follows:

About February 3, 1917, the crews of the four German ships, which had been in the harbor of Colon since August, 1914, were upon the order of the Governor, Panama Canal, taken from those ships and turned over to the military forces for detention. The Governor allowed any member of these crews to leave who desired to do so; however, very few left, and when Taboga was decided upon as the place of detention, the crews of the four vessels above mentioned were also sent to Taboga Island.

It appears that these seamen were brought to the United States at the same time as the other interns on Taboga Island, on April 19, 1918. So far as the circumstances are understood by the Department it would appear that the status of these seamen might properly be regarded as that of American interns, and that the seizure and detention of these men by the Panama Canal authorities is clearly justifiable under articles 7 and 23 of the convention between the United States and Panama of 1903. It is not entirely clear that Panama contends that these men have the status of Panaman interns, but in case such a contention should be put forward by her and maintained the seizure and detention of these men would, nevertheless, be justified in the light of the following discussion in relation to the men who were arrested by the Panaman police after the declaration of war, and also interned on Taboga Island.

2. (a) About April 13, 1917, shortly after the declaration of war against Germany by the Republic of Panama, a number of German subjects residing in the Republic were arrested by the Panaman police, in accordance with a plan determined upon on the previous day by the Panaman authorities at the request of the Chief of Staff of the Panama Canal Zone and the American Minister at Panama. In making these arrests, each Panaman police officer was accompanied by a representative of the United States Government. Other arrests seem to have been made at later dates. All of these civilians thus interned, including the seamen from the German ships, were by agreement placed promptly after their arrest in a hotel on Taboga Island and guarded by half a company of United States Infantry. This island is several miles off the coast in the Pacific Ocean west of the city of Panama and is a part of the territory of the Republic of Panama.

In the spring of 1917 a question arose between Sweden and Panama with reference to a threatened claim for damages because of the

internment of an alleged Swedish subject with the Germans at Taboga Island. This matter was brought to the attention of this Government in a note from the Panama Foreign Office, May 2, 1917 (No. S.P. 1726),¹ and the American Minister at Panama, under instructions from his Government, replied in a note of August 2, 1917 (No. 443), as follows:

I duly transmitted Your Excellency's note to the Department of State, and I am authorized by it by instruction under date of June 21 last² to assure Your Excellency that my Government will hold that of Your Excellency harmless against loss on account of having theretofore interned persons in conformity with the desire of my Government, provided, of course, my Government shall be kept informed of the proceedings of claimants and be satisfied that the Government of Panama has resisted their claims in good faith.

The question of the status of the persons interned subsequent to the declaration of war was raised the following winter and the Panaman Government seemed to take the position that they were Panaman interns and referred apparently to support their position to their seizure by Panaman authorities and to the American note of August 2, 1917, mentioned above.

In April, 1918, it was decided by the commanding officers of the Canal Zone that the removal of these interned Germans to the United States was advisable. It was believed by the military authorities that the safety of the Canal and the adjacent territory was jeopardized by such a large number of enemy aliens, even though they were interned. The matter of their removal was taken up in a conference with the American Minister at Panama and certain commanding officers of the Canal Zone and Panaman officials. No serious objection appears to have been made to the removal by the authorities of the Panama Government, except that it was insisted that the status of the interned Germans be not changed by the removal. The arrangement reached at the conference was later confirmed by an exchange of notes between the American Minister and the Panama Foreign Office. The note from the American Minister to the Panama Foreign Office of April 18, 1918, contains a statement regarding the arrangement arrived at as follows:

I have the honor, in accordance with our understanding, hereby to confirm the pleasant understanding and accord of our respective Governments in the propriety of the transfer of the interns at Taboga Island to the United States, and to note that it is agreed that the legal status of said interns with reference to our respective Governments shall not be altered by said transfer, and that any and all rights of our respective Governments regarding said interns, what-

¹ Not printed.

² *Ante*, p. 233.

ever said rights may be, are in no wise forfeited or altered in the making of said transfer. Likewise the agreement evidenced by our respective notes, No. S. P. 1726 of May 2, 1917, of Your Excellency, and F. O. No. 443 of August 2, 1917, is not changed by virtue of this transfer.

It is understood that the interns in question sailed from Taboga Island for the United States on April 19, 1918.

From the foregoing statement of facts it appears that the persons interned after the declaration of war were arrested by Panaman police officers, although they were accompanied by an American representative in most cases; that they were transferred to the United States by agreement with the Panaman Government; that they were so transferred on account of considerations growing out of the safety of the Panama Canal; that the United States has given assurance on certain conditions to hold Panama harmless on account of loss through these internments, and that this Government may be charged as having impliedly recognized the contention of the Panaman Government that these persons have the status of Panaman interns.

(b) Any doubt as to the propriety of the part taken by this Government in respect to the apprehension of these persons and their detention in Panama and the United States would appear to be removed by the provisions of the following three articles of the convention of 1903 between the United States and Panama.

ARTICLE 1. The United States guarantees and will maintain the independence of the Republic of Panama.

ARTICLE 7. . . .

The Republic of Panama agrees that the cities of Panama and Colon shall comply in perpetuity with the sanitary ordinances whether of a preventive or curative character prescribed by the United States and in case the Government of Panama is unable or fails in its duty to enforce this compliance by the cities of Panama and Colon with the sanitary ordinances of the United States the Republic of Panama grants to the United States the right and authority to enforce the same.

The same right and authority are granted to the United States for the maintenance of public order in the cities of Panama and Colon and the territories and harbors adjacent thereto in case the Republic of Panama should not be, in the judgment of the United States, able to maintain such order.

ARTICLE 23. If it should become necessary at any time to employ armed forces for the safety or protection of the Canal, or of the ships that make use of the same, or the railways and auxiliary works, the United States shall have the right, at all times and in its discretion, to use its police and its land and naval forces or to establish fortifications for these purposes.

These treaty provisions clearly show the paramount rights of the United States in Panama when the maintenance of order, or the safety or protection of the Canal is at stake. It is believed that if, in the end, this Government should find it necessary to assume the entire responsibility of the apprehension and detention of these interns as American interns it could find sufficient justification therefor in its broad powers under the treaty to preserve order on the Isthmus and to protect and maintain the Panama Canal.

(c) The foregoing discussion renders it scarcely necessary to advert to the propriety of the removal of the persons in question from Panama territory to the United States under international law and practice. If these men are to be regarded as *civil interns*, which it appears is their status, it is difficult to find in international practice in previous wars exact precedent for the transfer of their custody from one ally to another. There are, however, precedents for the transfer of *prisoners of war* between allies. On analogy and in principle, there seems to be no reason why civil interns, in the absence of treaty stipulation with the enemy, should not be transferred from one ally to another in the interest of the common cause while retaining their original status. In the present case the political ties between the United States and Panama, which are much closer and stronger than between allies in ordinary circumstances, would tend to justify even greater freedom of transfer of interns.

By reason of the special arrangement between the two countries, regarding the transfer of these interns, the peculiar protective relation of the United States to Panama under the treaty of 1903 on account of the Canal, and the analogy and principle of international practice in respect to prisoners of war, I am clearly of the view that the action of the United States in this matter is justified.

I am [etc.]

ROBERT LANSING

File No. 763.72114/4183

The Attorney General (Gregory) to the Secretary of State

A.B. 6278-7

WASHINGTON, November 19, 1918.

[Received November 22.]

SIR: I have the honor, in response to your communication of October 28, 1918, dealing with the subject of internment of alien enemies of the Republic of Panama, to state that the immediate problem before this Department is one which is not covered in or solved by your communication.

It may be that international law permits the custody of an interned alien enemy to be transferred from the government of his residence to an allied government and that, therefore, there is no

breach of international law when the Republic of Panama transfers to the United States Government the custody of an alien enemy interned by it. Our difficulty, however, arises from the question of whether this Government, under its own laws, namely section 4067 of the Revised Statutes, has the power to intern an alien enemy resident in the Republic of Panama and brought into this country against his own will.

The Department has come to the conclusion that section 4067 does not apply to such residents of the Republic of Panama and that there is no authority to issue a presidential order of internment in such a case.

It is our intention, therefore, to cancel the orders of internment made in these particular cases, and leave the question of the disposition of these alien enemies to be dealt with by the War Department.

Respectfully,

For the Attorney General,

JOHN LORD O'BRIAN
*The Special Assistant to the
Attorney General for War Work*

"ALLY-OF-ENEMY" ALIENS

File No. 763.72115/3086

The Ambassador in Austria-Hungary (Penfield) to the Secretary of State

[Telegram]

VIENNA, April 7, 1917.

[Received April 9, 12.30 p. m.]

1817. Foreign Office makes following proposal for reciprocal agreement regarding treatment of American citizens in Austria-Hungary and Austro-Hungarian subjects in the United States, in case of a breach of diplomatic relations. Please rush immediate reply whether acceptable to our Government.

In case of a breach of diplomatic relations between Austria-Hungary and the United States of America, the Imperial and Royal Government would be willing on the presumption of complete reciprocity to act according to the following principles towards the American citizens at present in the Monarchy:

(1) All American citizens without distinction of sex or age who are desirous of leaving the Monarchy can depart for Switzerland within four weeks of the day on which diplomatic relations are broken off.

(2) As a rule American citizens who remain in Austria-Hungary after this period will no longer be able to leave the Monarchy. Exceptions to this rule are admissible if in specific cases a longer sojourn in the Monarchy be recognized as justified.

(3) American citizens who remain in the Monarchy will be neither interned nor confined and will be unmolested in so far as individuals do not personally render themselves guilty of misdemeanor.

Vienna, April 6, 1917.

PENFIELD

File No. 762.72115/3102

The Chargé in Austria-Hungary (Grew) to the Secretary of State

[Telegram]

VIENNA, April 14, 1917.

[Received April 15, 5.30 a. m.]

1836. Foreign Office requests reply through Spanish Embassy to proposal contained in Ambassador's telegram 1817 for reciprocal agreement regarding treatment American citizens in Austria-Hungary and Austro-Hungarian subjects in United States.

GREW

File No. 763.72115/3086

The Secretary of State to the Minister in Switzerland (Stovall)

[Telegram]

WASHINGTON, April 16, 1917, 5 p. m.

520. [For Grew¹]:

Your 1817, 7th, and 1836, 14th. If the Austro-Hungarian Government will eliminate the restriction of four weeks for the departure of American citizens mentioned in paragraph 1 and will add to paragraph 3 the words "or a menace to the national safety," this Government will accept the proposed reciprocal arrangement. It will be observed that paragraph 2 is unnecessary and should be eliminated.

LANSING

File No. 763.72111/4970

The Secretary of State to the Swedish Minister (Ekengren)

MEMORANDUM

The Secretary of State presents his compliments to the Minister of Sweden, representing Austro-Hungarian interests in the United States, and has the honor to acknowledge the receipt of the copy of the petition² received by the Minister from a committee com-

¹J. C. Grew, Chargé in Austria-Hungary from Apr. 7 to 14, departed on the latter date for Berne, Switzerland, accompanied by the entire Embassy staff.

²Not printed.

posed of the officers and crews of the Austrian steamers *Martha Washington*, *Dora*, *Ida*, and *Himalaia*, in which they pray for liberty and reimbursement for certain property losses alleged to have been caused in connection with their arrest and detention at Ellis Island. In handing the petition to the Department the Minister inquired as to the intentions of this Government regarding these persons.¹

The Secretary of State has been pleased to communicate to the Secretary of Labor, whose Department has charge of the matter in question, the substance of the petition referred to and has suggested to him that in view of the feeling of friendship at present existing between the United States and Austria-Hungary, notwithstanding the severance of diplomatic relations, as little inconvenience as possible should be occasioned to the officers and crews of the vessels named above, in order that this friendly feeling may be maintained.

WASHINGTON, *April 20, 1917.*

File No. 367.11/2023a

The Secretary of State to the Minister in Sweden (Morris)

[Telegram]

WASHINGTON, *April 25, 1917.*

171. Request Swedish Government to forward following message to American Embassy, Constantinople:

Numerous telegrams received by Department exhibit great anxiety as to situation of Americans in Turkey. Send as full and prompt report as possible on condition of these Americans and opportunities for them to leave Turkey.

LANSING

File No. 701.6711/134

The Spanish Ambassador (Riaño) to the Secretary of State

[Translation]

WASHINGTON, *May 2, 1917.*

MR. SECRETARY: I have, as guardian of the interests of Turkey in the United States, the honor to apply to Your Excellency with a request that you be pleased to use your good offices with the Allied Powers in obtaining a safe-conduct for Constantin Mavroudi Effendi,

¹These officers and crewmen were detained in accordance with instructions given in the following telegram from the Department of Labor to immigration officers Apr. 8, 1917, 11 p. m.: "Lay all plans to take charge of and detain in immigration station or best and safest available quarters every officer and crewman of Austrian vessels your port or district, but take no actual step until receipt of telegram reading 'Proceed.' United States marshals and customs officers will cooperate. Extreme caution necessary to perfect plans so that action can occur instantly upon receiving further orders and to prevent destruction property or loss life." On Apr. 9, 1917, at 1 p. m. the follow-up message, "Proceed instantly," was sent. (File No. 763.72115/3860.)

late Second Secretary of the Imperial Ottoman Embassy at Washington, Djélal Bey, Ottoman ex-Consul General at New York and Madame Djélal Bey, his wife, on their trip from the United States to Constantinople.

I should also be extremely obliged to Your Excellency if you would procure like guarantees for four Turkish students of the Columbia University of New York, who wish to return to their native land. They are: Abdullah Hamdi, his wife and son; Ahmed Chukri and wife; Djevad Eyoub, and Nicholas Aghnides.

I avail myself [etc.]

JUAN RIAÑO

File No. 763.72111/4971

The Assistant Secretary of Labor (Post) to the Secretary of State

No. 54274/8-B

WASHINGTON, May 2, 1917.

[Received May 4.]

SIR: Alluding to your letter of the 20th ultimo,¹ with which you transmitted copy of a petition addressed to the Swedish Minister by a committee of the officers and crew of the Austrian steamers *Martha Washington*, *Dora*, *Ida*, and *Himalaia*,¹ I beg to state (merely for the purpose of completing your record, the fact, of course, already being known to you), that as soon as it became apparent that Austrians were not likely to become alien enemies, in the immediate future at any rate, instructions were given by this Department to handle the cases of all officers and crewmen taken from Austrian vessels simply under the provisions of the immigration law. This course has been followed and as a result all those who could pass the immigration examination, comprising the vast majority of those taken into custody, have been released and admitted to the country.

Respectfully,

LOUIS F. POST

File No. 367.11/2035

The Minister in Sweden (Morris) to the Secretary of State

[Telegram]

STOCKHOLM, May 6, 1917.

[Received 6.15 p. m.]

334. From Constantinople:²

There is now strong hope that about 60 Americans will leave tomorrow, May 4, and about 20 consular officers on May 9. Minister of War says that the order against departure of men between 18 and 45

¹ Not printed.

² Although the Swedish Legation at Constantinople assumed charge of American interests in Turkey on Apr. 26, 1917, the American Ambassador and staff did not leave Turkey until May 30. This telegram appears to have been written by a member of the staff of the American Embassy.

has been canceled and that for the moment the intention is not to renew it.

Permission for Engert¹ to come here now could not be obtained, Minister of War refusing absolutely, but he will leave with Ambassador. I communicated with Engert, concerning whom there is no reason for anxiety. Sixteen Americans are expected to-day from Smyrna.

MORRIS

File No. 367.11/2038

The Minister in Sweden (Morris) to the Secretary of State

[Telegram]

STOCKHOLM, *May 8, 1917.*

[Received *May 9, 3.30 a. m.*]

341. From Constantinople:²

[May] 2. Owing to difficulties made almost up to last minute yesterday by police refusing to act without instructions signed by Minister of Interior, no Americans left today. They assure me that [instructions] were given May 1, 8 p. m., and we can therefore hope that at least some will leave 4th; however, it appears that from military quarters difficulties are being made against departure of men between 18 and 45. I am now trying to have such an unjustifiable measure canceled. Djavid³ has promised to assist. He and Foreign Minister declared themselves unable to receive today. I [saw] Minister of War and shall make urgent representations to Foreign Minister.

MORRIS

File No. 367.11/2038

The Secretary of State to the Minister in Sweden (Morris)

[Telegram]

WASHINGTON, *May 9, 1917, 6 p. m.*

194. Your 341, May 8. For Constantinople:

Your [May] 2 in regard to difficulties made against departure from Turkey of American men between 18 and 45. If the Turkish Government is in fact preventing their departure the Department would be much embarrassed, inasmuch as it was preparing to facili-

¹ Cornelius Van H. Engert, Vice Consul at Constantinople, on special duty in Syria and Palestine.

² See footnote 2, *ante*, p. 247.

³ Djavid Bey, Turkish Minister of Finance.

tate the departure of unofficial Turkish subjects from the United States to Bergen on May 19 by securing safe-conducts from the British and French Governments. Please so inform Sublime Porte and cable reply.

LANSING

File No. 701.6711/134

The Secretary of State to the Spanish Ambassador (Riaño)

MEMORANDUM

The Secretary of State presents his compliments to the Spanish Ambassador, and has the honor to inform him, in reply to his note of May 2, that safe-conducts will be granted by the United States and British Governments to Constantin Mavroudi Effendi, late Second Secretary of the Imperial Ottoman Embassy at Washington, Djéjal Bey, late Ottoman Consul General at New York, and his wife on their journey from New York to Bergen by the steamship *Kristianiafjord*, sailing from the former port on May 19, 1917.

WASHINGTON, May 12, 1917.

File No. 763.72115/3135

The Minister in Switzerland (Stovall) to the Secretary of State

[Telegram]

BERNE, May 15, 1917.

[Received May 16, 3 a. m.]

911. Spanish Minister, Berne, transmits me following telegram received from Spanish Ambassador, Vienna:

Your note April 20 relative proposed agreement between American and Austro-Hungarian Governments for repatriation American citizens in Dual Monarchy and Austrian and Hungarian subjects in the United States.¹ Ministry Foreign Affairs in note dated May 7 states Austro-Hungarian Government prepared to eliminate clause restricting time of departure to four weeks after rupture of relations and to authorize departure of Americans without restriction as to time, provided that the American Government expressly declares itself prepared to permit all Austrians and Hungarians—except those falling within categories mentioned in paragraph 3 of proposed agreement—to depart from the United States in any direction whatsoever. Upon same conditions of reciprocity, Imperial and Royal Government prepared to eliminate paragraph 2 and to add to end of paragraph 3 the words “or a menace to the national safety.”

¹ See telegram to the Minister in Switzerland, Apr. 16, 1917, *ante*, p. 245.

Copy of note by mail. Telegraphic reply requested. Castro, Ambassador.

STOVALL

File No. 367.11/2067

The Minister in Sweden (Morris) to the Secretary of State

[Telegram]

STOCKHOLM, May 18, 1917.

[Received 9.30 p. m.]

369. From Constantinople:¹

List of Americans who have left Constantinople since May 4.
[Here follows the list.]

Except a few naturalized citizens all Americans residents of Constantinople desiring to leave have already left for Switzerland. Not counting officers and crew of *Scorpion* with their families, numbering in all 85, there are about 70 other Americans residents of this city still here, none of whom now desire to leave. There are now in Constantinople 8 Americans from Brusa and Smyrna whose departure could not be arranged in time. All Americans have left Brusa and no more will leave Smyrna, but many others wish to leave rest of Asia Minor and Syria. These can come here only gradually to leave with Ambassador or after new arrangement with Vienna. Consular personnel from Jerusalem and Beirut are on their way here. Jackson will presumably soon leave Aleppo. No word yet received concerning departure of Davis from Harput and Nathan from Mersina.

MORRIS

File No. 763.72115/3135

The Secretary of State to the Minister in Switzerland (Stovall)

[Telegram]

WASHINGTON, May 19, 1917.

591. Your 911, May 15. Inform Austro-Hungarian Government through Spanish channels that this Government agrees to proposal contained in the note of May 7 from the Austro-Hungarian Ministry of Foreign Affairs to Spanish Ambassador at Vienna and considers that by its acceptance the agreement is in effect thenceforth during the period of suspension of relations.

LANSING

¹ See footnote 2, *ante*, p. 247.

File No. 367.11/2076a

The Secretary of State to the Minister in Sweden (Morris)

[Telegram]

WASHINGTON, May 29, 1917, 7 p. m.

219. Request Swedish Government to instruct Swedish Minister, Constantinople, to investigate and cable full report concerning status Americans remaining in Turkey and as to their opportunities for leaving the country. Information particularly desired as to whether any obstacles are put in the way of Americans leaving, and especially whether American men between 18 and 45 are prohibited from leaving. If the Turkish Government is in fact preventing the departure of these men the Department will be much embarrassed, inasmuch as it has been preparing to facilitate the departure of unofficial Turkish subjects from the United States.

LANSING

File No. 367.11/2083

The Minister in Sweden (Morris) to the Secretary of State

[Telegram]

STOCKHOLM, June 5, 1917.

[Received 10 p. m.]

414. From Swedish Legation, Constantinople:

As already reported, all Americans, including men aged 18 to 45, are now permitted to leave Turkey. All American residents of Constantinople desiring to depart have already left for Switzerland. Eight unofficial Americans from Brusa and Smyrna are now in Constantinople awaiting opportunity to cross Austria-Hungary. I have received reports from Americans at Smyrna, Samsun, Konia, Marsivan, Adana, Aintab, Aleppo, Alexandretta, Tarsus, Marache, and Bagdad, that all are well and that no more will leave those places. Forty-eight [*Fifty-eight?*] Americans are so far reported *en route* to Constantinople, 32 from Beirut, 10 from Harput, 7 from Aintab, 6 from Mersina, 1 from Maden [*Mardin*], 1 from Jerusalem, 1 from Caesarea, making total of at least 66 unofficial Americans wishing to leave. None of these persons can now cross Austria-Hungary without special authorization, to obtain which immediate steps should be taken at Vienna.

MORRIS

File No. 367.11/2082

The Secretary of State to the Ambassador in Spain (Willard)

[Telegram]

WASHINGTON, June 8, 1917.

516. Swedish Minister at Constantinople, in charge of American interests in Turkey, reports that time limit set by Austro-Hungarian Government for Americans leaving Turkey to cross Austro-Hungarian territory has expired. The number of Americans wishing to leave is around 100 at the present time and there may be others in the interior who have not made intentions known. Request Foreign Office to instruct Spanish Ambassador at Vienna to inform Austro-Hungarian Government of the foregoing, and to ask that those now waiting at Constantinople may be given permission to cross Austria-Hungary *en route* to Berne and that the time limit for crossing may be extended to July 15. Cable reply from Spanish Ambassador desired.

LANSING

File No. 367.11/2130

The Ambassador in Spain (Willard) to the Secretary of State

[Telegram]

MADRID, June 29, 1917.

[Received 5 p. m.]

644. Department's 516, [June] 8. Spanish Ambassador, Vienna, reports that Austro-Hungarian Government agrees to allow Americans from Turkey to pass through Austria-Hungary without fixing time limit, on condition that Austrian representative, Constantinople, issue personal certificate in each individual case. The Spanish Minister in Constantinople has been informed of above agreement.

WILLARD

File No. 763.72115/3164

The Minister in Sweden (Morris) to the Secretary of State

[Telegram]

STOCKHOLM, July 13, 1917.

[Received 12 midnight.]

532. Following from Constantinople received from Foreign Office: The Sublime Porte informs me that according to a telegram from the Spanish Ambassador at Washington the American Government has withdrawn the permission granted to certain Ottoman subjects to leave America for a neutral country in Europe, and that consequently permission hitherto accorded by the Ottoman Government for the departure of Americans in Turkey without distinction of age or sex will be withdrawn until the Ottoman Government is

informed that all the Ottoman subjects in question have received permission to leave America with the necessary safe-conduct. In view of the fact that the Sublime Porte has shown its good faith by allowing all the Americans residing at Constantinople, and who wished to go, to leave, and that the departure of those recently arrived from the *Taranto* to the number of about 150 has been delayed by the lack of the necessary permission from the Austrian Government, I have the honor to recommend that the American Government allow the Ottoman subjects at present held up to leave, for otherwise no other unofficial American will be able to leave Turkey. I have been assured that as soon as these Ottoman subjects shall have started for Europe the general permission for the departure of Americans will be reestablished by the Ottoman Government.

MORRIS

File No. 763.72115/3164

The Acting Secretary of State to the Minister in Sweden (Morris)

[Telegram]

WASHINGTON, July 16, 1917, 6 p. m.

293. Your 532, July 13. Request Foreign Office to state immediately to Sublime Porte that a misunderstanding appears to exist. This Government cannot under the President's proclamation of April 6, relative to alien enemies, prevent the departure of Turkish subjects from the United States, and in fact does not do so. Turkish subjects are not considered alien enemies, and they will be furnished with safe-conduct upon application to leave. This Government, however, cannot undertake to act as intermediary in procuring for nonofficial Turkish subjects, safe-conducts from other governments; these should be subject of negotiations direct with the governments concerned. In view of the above it is confidently expected that the Turkish Government will now place no obstacle to the immediate departure of Americans from Turkey.

POLK

File No. 367.11/2154

The Minister in Sweden (Morris) to the Secretary of State

[Telegram]

STOCKHOLM, July 17, 1917.

[Received July 18, 12.40 a. m.]

546. From Constantinople:

Referring to my telegram of July 1¹ concerning departure of Americans. It is essential to arrange matter quickly, as the Sublime

¹Probably refers to message transmitted in telegram of July 13 from Minister Morris, *ante*, p. 252.

Porte is pressing for immediate departure of all Americans from interior now in Constantinople and threatening internment or other disagreeable measures if they do not promptly leave. Required permission has not yet come from Vienna, but it is daily expected. Please telegraph me as soon as possible decision of American Government concerning permission for departure of Turkish students or other Ottomans desiring to leave America. Ahlgren, Chargé d'Affaires.¹

MORRIS

File No. 367.11/2157

The Minister in Sweden (Morris) to the Secretary of State

[Telegram]

STOCKHOLM, July 24, 1917.

[Received 8.08 p. m.]

569. From Constantinople:

This morning 50 Americans from the interior were permitted to leave for Switzerland so that less than 100 persons desiring to leave, of whom the greater number are Israelites from Palestine, are still in Constantinople. All the names of those who left will be forwarded by mail. Referring to my previous telegrams, please arrange as soon as possible the departure of the Ottoman students. Ahlgren, Chargé d'Affaires.

MORRIS

File No. 763.72115/3167

The Minister in Sweden (Morris) to the Secretary of State

[Telegram]

STOCKHOLM, July 24, 1917.

[Received July 25, 7 a. m.]

570. From Constantinople [July] 20:

Your despatch concerning departure of Ottoman subjects received. Since Ottoman Government considers Ottoman students referred to be persons enjoying an official character, the American Government is urged to procure necessary safe-conducts enabling them to return to Turkey. Ottoman authorities have shown themselves favorably disposed about departure of Americans from Turkey and agree with American Government that departure of the said students was prevented through some misunderstanding.

MORRIS

¹ Of the Swedish Legation in Turkey.

File No. 763.72115/3181

The Spanish Minister (Riaño) to the Secretary of State

[Translation]

WASHINGTON, August 31, 1917.

[Received September 1.]

MR. SECRETARY: Having charge of the protection of Ottoman interests in this Republic, I have the honor to transmit herewith to Your Excellency a copy of the *note verbale* addressed to His Majesty's Legation at Constantinople by the Minister of Foreign Affairs of the Sublime Porte.¹

As Your Excellency will see the note deals with the departure of the Ottoman students who have been allowed to leave by the Department under your worthy charge and my sole object in sending it to Your Excellency is to put it on record.

I avail myself [etc.]

JUAN RIAÑO

¹ Not printed.

III

ENEMY PROPERTY

TREATMENT OF ENEMY AND "ALLY-OF-ENEMY" PROPERTY¹

Statement Issued to the Press by the Department of State

WASHINGTON, February 8, 1917.

It having been reported to him that there is anxiety in some quarters on the part of persons residing in this country who are the subjects of foreign states lest their bank deposits or other property should be seized in the event of war between the United States and a foreign nation, the President authorizes the statement that all such fears are entirely unfounded. The Government of the United States will in no circumstances take advantage of a state of war to take possession of property to which international understandings and the recognized law of the land give it no just claim or title. It will scrupulously respect all private rights alike of its own citizens and of the subjects of foreign states.²

Proclamation No. 1366, April 6, 1917, Prescribing Regulations under Which German Insurance Companies May Maintain Agencies in the United States during the Existence of a State of War

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS, certain insurance companies, incorporated under the laws of the German Empire, have been admitted to transact the business of insurance in various States of the United States, by means of separate United States Branches established pursuant to the laws of such States, and are now engaged in business under the supervision of the Insurance Departments thereof, with assets in the United States deposited with Insurance Departments or in the hands

¹ For treatment of merchant ships of enemy nationality in American ports at the entrance of the United States into the war see *Foreign Relations*, 1917, Supplement 2, vol. II, pp. 1245-1262.

² On Mar. 1, 1917, this statement was transmitted to the Spanish Ambassador in Berlin, in charge of the interests of the United States. (File No. 763.72113/320a.)

of resident trustees, citizens of the United States, for the protection of all policyholders in the United States;

AND WHEREAS, the interests of the citizens of the United States in the protection afforded by such insurance are of great magnitude, so that it is deemed to be important that the agencies of such companies in the United States be permitted to continue in business;

Now, THEREFORE, I, WOODROW WILSON, President of the United States of America, by virtue of the powers vested in me as such, hereby declare and proclaim that such branch establishments of German Insurance Companies now engaged in the transaction of business in the United States pursuant to the laws of the several States are hereby authorized and permitted to continue the transaction of their business in accordance with the laws of such States in the same manner and to the same extent as though a state of war did not now exist; provided, however, that all funds of such establishments now in the possession of their managers or agents, or which shall hereafter come into their possession, shall be subject to such rules and regulations concerning the payment and disposition thereof as shall be prescribed by the insurance supervising officials of the State in which the principal office of such establishment in the United States is located, but in no event shall any funds belonging to or held for the benefit of such companies be transmitted outside of the United States nor be used as the basis for the establishment directly or indirectly of any credit within or outside of the United States to or for the benefit or use of the enemy or any of his allies without the permission of this Government.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this sixth day of April in the year of our Lord one thousand nine hundred and seven-
[SEAL] teen, and of the Independence of the United States the one hundred and forty-first.

WOODROW WILSON

By the President:

ROBERT LANSING

Secretary of State.

File No. 711.6221/165

The Swiss Minister (Ritter) to the Secretary of State

Department of
German Interests

MEMORANDUM

The Swiss Minister, representing German interests in the United States, presents his compliments to the Secretary of State, and has

the honor to address His Excellency in regard to the competence of Swiss consuls, acting in the interests of absent German heirs, to receive personal property in the settlement of inheritances.

Since the severance of diplomatic relations between the United States and Germany, the Swiss consulates have been acting in the place of the German consulates for absent German heirs, in all cases where the latter were not duly represented. Furthermore, the Swiss consuls in pursuance of these functions have received personal property belonging to such heirs and have remitted the same to be placed on account of this Legation.

In some States, question appears to have arisen in regard to the right of the Swiss consuls to collect such property belonging to absent German heirs and legatees, and the erroneous impression seems to prevail that property so received is to be transmitted to Germany. In view of these circumstances, therefore, and desirous of facilitating the proceedings in inheritance matters, the Swiss Minister has the honor to request that His Excellency kindly advise him whether the Department of State is inclined to support the views of this Legation that the Swiss consuls in pursuance of the functions with which they have been charged, may properly collect and receive personal property belonging to absent German heirs, with the understanding that all such property is to be deposited on account of the Swiss Legation at Washington.

WASHINGTON, *April 26, 1917.*

[*Received April 27.*]

File No. 711.6221/165

The Secretary of State to the Swiss Minister (Ritter)

MEMORANDUM

The Secretary of State presents his compliments to the Minister of Switzerland, in charge of German interests in the United States, and has the honor to acknowledge the receipt of the Minister's memorandum of April 26, 1917, in regard to the competence of Swiss consuls, acting in the interests of absent German heirs, to receive personal property in settlement of inheritances.

In reply the Minister of Switzerland is informed that inasmuch as it is possible that the general subject of his inquiry may be taken up in war legislation before the present Congress, the Secretary of State is not at present in position to give a definite expression of opinion.

WASHINGTON, *June 1, 1917.*

File No. 705.6358/2

The Secretary of State to the Swedish Minister (Ekengren)

No. 225

WASHINGTON, June 1, 1917.

SIR: I have the honor to acknowledge the receipt of your note No. 128, of May 12, 1917, enclosing a memorandum, indicating the Swedish consulates in the United States which have been instructed to act in Austro-Hungarian matters.¹

In reply I have the honor to suggest that Swedish consuls in the United States be instructed to defer accepting money for Austrian and Hungarian subjects in inheritance cases, etc., inasmuch as it is possible that the general subject may be taken up in war legislation before the present Congress. Pending the result of such legislation, I would prefer, at this time, not to give a definite expression of opinion regarding the matter.

Accept [etc.]

ROBERT LANSING

File No. 763.72113/379

The Belgian Minister (De Cartier) to the Secretary of State

[Translation]

No. 1295

WASHINGTON, June 20, 1917.

[Received June 22.]

MR. SECRETARY OF STATE: I have the honor to communicate herein below to Your Excellency the text of a despatch which I have just received from the King's Government.

In the presence of the systematic plundering of French territory evacuated by the German troops and in the fear that other misdeeds of the same kind might be committed in our banking establishments, the Council of Ministers has approved a draft of law-decree which is now submitted to the King's sanction.

It declares null and void every conveyance, every disposal of property, real or personal, public or private, that has been made by the enemy the object of confiscation, seizure or any other measures affecting Government property (whenever such measures do not come under a normal administration of the Government's interests), the property of private persons, communes, provinces, and public institutions. Are so null and void not only the conveyances effected by the enemy or on the enemy's order, but also all subsequent conveyances, the whole transference of the property being vitiated by the irregular character of the decision from which it sprang. That property may be claimed back, no matter in whose hands it is found, and those who knowingly are instrumental in carrying out the irregular measures taken by the enemy, who sell, purchase, give away or accept as collateral any property subjected to such measures will be liable to special punishment.

The King's Government is curious to know in this connection whether the Allied Governments would not agree to notify the

¹ Not printed.

German Government that, if it should carry out its plan to open, in banks in occupied territory, the safes or deposits under seal belonging to private persons for the purpose of attaching, confiscating, or removing the contents, the Allied Governments would take the same measures concerning the deposits made in banks in their respective territories by persons subject to the jurisdiction of the German Empire and its allies.

The question, then, is one of reprisals to be applied to German, Austro-Hungarian, Turkish, and Bulgarian depositors. The fear of exposing its nationals thereto might perhaps deter the German Government if it should contemplate further spoliations.

The King's Government would attach the greatest value to knowing the views of the American Government on this point and I should be thankful to Your Excellency if you would be so very obliging as to acquaint me with the views entertained on the subject by the authorities concerned.

I take [etc.]

E. DE CARTIER

File No. 763.72113/379

The Acting Secretary of State to the Belgian Minister (De Cartier)

No. 12

WASHINGTON, July 13, 1917.

SIR: I have the honor to acknowledge the receipt of your note No. 1295 of June 20, 1917, with reference to the systematic plundering carried on by German troops in Belgian and French territory, and in which you state that you have been instructed by the King's Government to request the Government of the United States to take certain retaliatory and confiscatory measures in connection with German property in this country.

In reply I have the honor to inform you that although the Government of the United States deeply sympathizes with the injuries which have been suffered by Belgium at the hands of Germany, it is felt that this Government, in view of the declaration of the Administration that private enemy property would not be confiscated, can not accede to the request of the King's Government.

Accept [etc.]

FRANK L. POLK

Proclamation No. 1386, July 13, 1917, Prohibiting Transaction in the United States of the Business of Marine and War Risk Insurance by German Companies

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS, certain insurance companies, incorporated under the laws of the German Empire, have been admitted to transact the busi-

ness of marine and war risk insurance in various States of the United States, by means of separate United States Branches established pursuant to the laws of such States, and are now engaged in such business under the supervision of the Insurance Departments thereof, with assets in the United States deposited with Insurance Departments or in the hands of resident trustees, citizens of the United States, for the protection of all policy-holders in the United States;

AND WHEREAS, the nature of marine and war risk insurance is such that those conducting it must of necessity be in touch with the movements of ships and cargoes, and it has been considered by the Government of great importance that this information should not be obtained by alien enemies;

NOW, THEREFORE, I, WOODROW WILSON, President of the United States of America, by virtue of the powers vested in me as such, hereby declare and proclaim that such branch establishments of German Insurance Companies now engaged in the transaction of business in the United States pursuant to the laws of the several States are hereby prohibited from continuing the transaction of the business of marine and war risk insurance either as direct insurers or re-insurers; and all individuals, firms, and insurance companies incorporated under the laws of any of the States or Territories of the United States, or of any foreign country, and established pursuant to the laws of such States and now engaged in the United States in the business of marine and war risk insurance either as direct insurers or re-insurers are hereby prohibited from re-insuring with companies incorporated under the laws of the German Empire, no matter where located; and all persons in the United States are prohibited from insuring against marine or war risks with insurance companies incorporated under the laws of the German Empire or with individuals, firms, and insurance companies incorporated under the laws of any of the States or Territories of the United States or of any foreign country and now engaged in the business of marine or war risk insurance in the United States, which re-insure business originating in the United States with companies incorporated under the laws of the German Empire, no matter where located.

The foregoing prohibitions shall extend and operate as to all existing contracts for insurance and re-insurance which are hereby suspended for the period of the war, except that they shall not operate to vitiate or prevent the insurance or re-insurance of, and the payment or receipt of, premiums on insurance or re-insurance under existing contracts on vessels or interest at risk on the date of this proclamation, and such insurance or re-insurance, if for a voyage, shall continue in force until arrival at destination, and if for

time, until thirty days from the date of this proclamation, but if on a voyage at that time, until the arrival at destination.

Nothing herein shall be construed to operate to prevent the payment or receipt of any premium, return premium, or claim now due or which may become due on or in respect to insurances or re-insurances not prohibited by this proclamation.

That all funds of such German companies now in the possession of their managers or agents, or which shall hereafter come into their possession, shall be subject to such rules and regulations concerning the payment and disposition thereof as shall be prescribed by the insurance supervising officials of the State in which the principal office of such establishment in the United States is located, but in no event shall any funds belonging to or held for the benefit of such companies be transmitted outside of the United States, nor be used as the basis for the establishment, directly or indirectly, of any credit within or outside of the United States to or for the benefit or use of the enemy or any of his allies without the permission of this Government.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the District of Columbia this thirteenth day of July in the year of our Lord one thousand nine hundred and [SEAL] seventeen and of the Independence of the United States the one hundred and forty-second.

WOODROW WILSON

By the President:

FRANK L. POLK

Acting Secretary of State.

File No. 711.6221/165

The Secretary of State to the Swiss Chargé (Hübscher)

No. 495

WASHINGTON, August 13, 1917.

SIR: Referring to my memorandum of June 1, 1917, relative to the competence of Swiss consuls, acting in the interests of absent German heirs, to receive personal property in settlement of inheritances, I have the honor now to ask if you will kindly instruct Swiss consular officers in the United States to defer, for the time being, the acceptance of money due German subjects from estates in this country, inasmuch as it is possible that the general subject may be taken up in war legislation before the present Congress.

Accept [etc.]

ROBERT LANSING

Executive Order No. 2729-A, October 12, 1917, Vesting Power and Authority in Designated Officers and Making Rules and Regulations under Trading with the Enemy Act and Title VII of the Act Approved June 15, 1917

[Extract ¹]

By virtue of the authority vested in me by "An Act to Define, Regulate and Punish Trading with the Enemy and for Other Purposes," approved October 6, 1917,² and by Title VII of the Act approved June 15, 1917, entitled "An Act to Punish Acts of Interference with the Foreign Relations, the Neutrality and the Foreign Commerce of the United States, to Punish Espionage and Better to Enforce the Criminal Laws of the United States and for Other Purposes," (hereinafter designated as the Espionage Act), I hereby make the following orders and rules and regulations:

ALIEN PROPERTY CUSTODIAN

XXIX. I hereby vest in an Alien Property Custodian, to be hereafter appointed, the executive administration of all the provisions of Section 7(a), Section 7(c), and Section 7(d) of the Trading with the Enemy Act, including all power and authority to require lists and reports, and to extend the time for filing the same, conferred upon the President by the provisions of said Section 7(a), and including the power and authority conferred upon the President by the provisions of said Section 7(c), to require the conveyance, transfer, assignment, delivery or payment to himself, at such time and in such manner as he shall prescribe, of any money or other properties owing to or belonging to or held for, by or on account of, or on behalf of, or for the benefit of any enemy or ally of an enemy, not holding a license granted under the provisions of the Trading with the Enemy Act, which, after investigation, said Alien Property Custodian shall determine is so owing, or so belongs, or is so held.

XXX. Any person who desires to make conveyance, transfer, payment, assignment or delivery, under the provisions of Section 7(d) of the Trading with the Enemy Act, to the Alien Property Custodian of any money or other property owing to or held for, by or on account of, or on behalf of, or for the benefit of an enemy or ally of enemy, not holding a license granted as provided in the Trading with the Enemy Act, or to whom any obligation or form of

¹ Printed in full in *Foreign Relations, 1917, Supplement 2, vol. II, p. 963.*

² For the act of Oct. 6, 1917, and further legislative and Executive enactments on this subject, see *Trading with the Enemy Act and Amendments There-to together with Certain Executive Orders and proclamations Issued There-under* (Washington, Government Printing Office, 1925).

liability to such enemy or ally of enemy is presented for payment, shall file application with the Alien Property Custodian for consent and permit to so convey, transfer, assign, deliver or pay such money or other property to him and said Alien Property Custodian is hereby authorized to exercise the power and authority conferred upon the President by the provisions of said Section 7(*d*) to consent and to issue permit upon such terms and conditions as are not inconsistent with law, or to withhold or refuse the same.

XXXI. I further vest in the Alien Property Custodian the executive administration of all the provisions of Section 8(*a*), Section 8(*b*), and Section 9 of the Trading with the Enemy Act, so far as said Sections relate to the powers and duties of said Alien Property Custodian.

XXXII. I vest in the Attorney General all power and authority conferred upon the President by the provisions of Section 9 of the Trading with the Enemy Act.

XXXIII. The Alien Property Custodian to be hereafter appointed is hereby authorized to take all such measures as may be necessary or expedient, and not inconsistent with law, to administer the powers hereby conferred; and he shall further have the power and authority to make such rules and regulations not inconsistent with law as may be necessary and proper to carry out the provisions of said Section 7(*a*), Section 7(*c*), Section 7(*d*), Section 8(*a*), and Section 8(*b*), conferred upon the President by the provisions thereof and by the provisions of Section 5(*a*), said rules and regulations to be duly approved by the Attorney General.

XXXIV. The Alien Property Custodian to be hereafter appointed shall, "under the supervision and direction of the President, and under such rules and regulations as the President shall prescribe," have administration of all moneys (including checks and drafts payable on demand) and of all property, other than money which shall come into his possession in pursuance of the provisions of the Trading with the Enemy Act, in accordance with the provisions of Section 6, Section 10, and Section 12 thereof.

WOODROW WILSON

THE WHITE HOUSE,
12 October, 1917.

File No. 763.72113/393

The Secretary of State to the Chargé in Switzerland (Wilson)

[Telegram]

WASHINGTON, October 24, 1917, 4 p. m.

1051. For Berlin:

It is reported that since latter part of August bank accounts of American citizens in Germany are under the absolute control of the

Reichs Bank, and in order to draw from balances Americans must state purpose for which money is to be spent, whereupon bank of deposit applies to Reichs Bank for permission to make payment. It is reported further that these restrictions are applied only to American citizens. Please investigate this matter and reply fully by telegraph as soon as possible.

LANSING

File No. 763.72115/3212

The Swedish Minister (Ekengren) to the Secretary of State

Department of Austro-Hungarian
Interests No. 1944/23

The Minister of Sweden, in charge of Austro-Hungarian interests in the United States, presents his compliments to the Secretary of State, and with reference to the Department's esteemed note of September 15, 1917,¹ wherein the Secretary of State informed the Swedish Minister of the desirability of deferring action in connection with arrangements proposed by him in regard to the handling of estates, compensation claims, etc., of Austrian and Hungarian subjects until a final disposition shall have been made of the legislation pending before Congress at that time, has the honor to request the kind intervention of His Excellency, the Secretary of State, that the Swedish consulates in charge of Austro-Hungarian interests in the United States, under the "Trading with the Enemy Act," be given authority to act for Austrian and Hungarian subjects in inheritance matters, compensation claims and alike, and to collect money deriving from such cases. All such moneys would be transmitted by the Swedish consulates to this Legation which will keep them on deposit with the Riggs National Bank. No money whatever will be forwarded to Austria-Hungary either by the Swedish Legation or the Swedish consulates. In this way, only the interests of the beneficiaries will be taken care of. The Austro-Hungarian Government can derive no benefit from the money received and deposited here for persons in Austria-Hungary.

The Swedish Minister begs to refer to his note No. 1728/23, of October 29, 1917,² in which the Secretary of State is informed that there exist no restrictions in Austria-Hungary towards American citizens and concerns as provided by the "Trading with the Enemy Act."

WASHINGTON, *October 29, 1917.*

[*Received October 30.*]

¹ Not printed; see note No. 225, June 1, *ante*, p. 259.

² Not printed.

File No. 763.72112/5372

The Swiss Minister (Sulzer) to the Secretary of State

Department of
German Interests
IV-14

MEMORANDUM

The Minister of Switzerland, representing German interests in the United States, presents his compliments to the Secretary of State, and, has the honor to inform His Excellency that the Legation is in receipt of the following cablegram from the Swiss Foreign Office:

German Government requests whether press dispatches regarding sequestration of all enemy property and release of patents enemy subjects are correct. If so are these measures based on Trading with the Enemy Act.

The Minister begs leave to inquire whether His Excellency would inform him further with regard to this inquiry from the Swiss Foreign Office.

WASHINGTON, *October 31, 1917.*

File No. 371.11/207

The Secretary of State to the Chargé in Switzerland (Wilson)

[Telegram]

WASHINGTON, *October 31, 1917, 6 p. m.*

1076. For Berlin:

It has been reported to this Government that the German Government intends shortly to auction American oil properties in Roumania. Please use your utmost endeavors to ascertain immediately if this report is correct, and reply by telegraph.

LANSING

File No. 711.6221/165

*The Acting Secretary of State to the Swiss Minister (Sulzer)*¹

No. 29

WASHINGTON, *November 3, 1917.*

SIR: Referring to my note No. 495, of August 13, 1917, relative to the competence of Swiss consuls, acting in the interests of absent German heirs, to receive personal property in settlement of inheritances, I now have the honor to inform you of the appointment by

¹ Similar letters were sent on the same date to the Swedish Minister, in charge of Austro-Hungarian interests in the United States (No. 276), and to the Spanish Ambassador, in charge of Turkish interests (No. 717). (File Nos. 763.72113/421a, 421b.)

the President, in accordance with the provisions of the Trading with the Enemy Act, of Mr. A. Mitchell Palmer, 920 F Street, NW., Washington, D. C., as Alien Property Custodian.

Accept [etc.]

FRANK L. POLK

File No. 763.72113/402a

*The Secretary of State to the Minister in the Netherlands (Garrett)*¹

[Telegram]

WASHINGTON, November 14, 1917.

774. For publicity. A. Mitchell Palmer, Alien Property Custodian, today announced that there has been considerable misapprehension as to his plans and purposes in respect to property of aliens residing in the United States. He said that nationality or citizenship does not determine whether one is an enemy or ally of enemy under terms of Trading with Enemy Act. Principal test of enemy character is one of residence, place of business, or business connections. Subject of Germany or any of Germany's allies residing in this country, even though he had made no declaration of intention to become citizen, is permitted to continue in trade and commerce and in possession and control of his property while he remains in the United States and obeys its laws. Broad purpose of Congress as expressed in act is first to preserve enemy-owned property in the United States from loss and, second, to prevent every use of it which may be hostile or detrimental to United States. Commerce cannot, of course, be carried on between residents of countries at war. In absence of general law for protection of money property in the United States belonging to those under legal disability, there might, without special action by Congress, have been very considerable property loss or deterioration. Property of every person under legal disability is in every civilized country protected by trustees or conservators to administer and care for property while disability exists. This is duty of Alien Property Custodian. He is charged by law with the duty of protecting property of all owners under legal disability to act for themselves while state of war continues. Act authorizes in certain cases a license to permit enemy-owned business to be carried on. Where such license is not applied for or not granted, Custodian directed to exercise well-defined authority of common-law trustee. Thus probable waste, and loss of much valuable property and property rights which could not, while war continues, be conserved by enemy owner, is avoided, and trustee appointed

¹ The same, on the same date, to the Chargé in Switzerland (No. 1123).

and paid by United States is charged with duty of protecting and caring for such property until end of war. There is of course no thought of confiscation or dissipation of property thus held in trust.

LANSING

File No. 763.72113/405

The Minister in the Netherlands (Garrett) to the Secretary of State

[Telegram]

THE HAGUE, November 22, 1917.

[Received 7.37 p. m.]

1672. *Reichsanzeiger* announces that provisions relative to compulsory registration of enemy property in Germany have been made applicable to United States commencing with November 30.

GARRETT

File No. 763.72113/414

The French Ambassador (Jusserand) to the Secretary of State

[Translation]

WASHINGTON, November 24, 1917.

[Received November 27.]

MR. SECRETARY OF STATE: The question of the stocks which Germany is even now endeavoring to build up in neutral countries with a view to *post bellum* activities can not but engross the attention of the Government of the Republic by reason of the advantages that country would speedily reap therefrom in resuming economic undertakings on the cessation of hostilities to the injury of the revictualing and trade of the Allies.

Thus was my Government led to consider whether one of the solutions to be examined as a check to the schemes of the adversary could not be found in applying to enemy stocks the same rule as to enemy vessels sheltered in neutral harbors. The attachment which there might be occasion to bring into play would be of the nature of a conservatory measure which should be taken by the creditor states against the debtor Central Empires and affect the goods and property belonging to the said debtor Empires and held not by them but by third parties. The measure would call for:

- (1) A notice to the neutral states, holders of the encumbrances placed by the Allies upon such goods and property;
- (2) A warning to the same neutral states that they would be held responsible to the Allies for the removal, with their connivance or assistance, of the aforesaid stocks.

In bringing the foregoing suggestions to Your Excellency's knowledge, I have the honor to beg you kindly to advise me whether the American Government would not deem it expedient shortly to address to the Scandinavian countries, Holland, Switzerland, and Spain a note signed by the United States, France, and Great Britain and intended ultimately to secure the Allies in the possession of the stocks gathered in those neutral countries for the benefit of the Central Empires.

Should the Federal Government coincide in these views, I would make it my duty to consult with it about the preparation of that diplomatic instrument whose final wording should be made the subject of a further exchange of views by the Allied Governments.

Accept [etc.]

JUSSERAND

File No. 763.72115/3222

The Secretary of State to the Swedish Minister (Ekengren)

No. 295

WASHINGTON, December 4, 1917.

SIR: Referring to your notes of August 27¹ and October 29, 1917, wherein are proposed certain arrangements in regard to the handling by your Legation, in charge of Austro-Hungarian interests in the United States, of estates, compensation claims, etc., in this country of Austrian and Hungarian subjects, under the "Trading with the Enemy Act," I have now the honor to advise you of the receipt of a letter on the subject, dated November 19, 1917, from the Alien Property Custodian, in substance as follows:

The office of the Alien Property Custodian will be amply equipped to handle all of these matters, and that office is required, as the Alien Property Custodian interprets the law, to assume the custody of such funds. The Legation of Sweden, in charge of Austro-Hungarian interests in the United States, may, of course, keep itself informed of the funds collected and of the parties interested and may notify the Government of Austria-Hungary from time to time that the funds are in the hands of the Alien Property Custodian.

There is, the Alien Property Custodian points out, also an advantage which may result from this method of procedure, namely, that the creditors in the United States of the owners may proceed in the courts against the funds. This, perhaps, presents a strong ground of objection to the plan proposed by you.

Accept [etc.]

ROBERT LANSING

¹ Not printed.

File No. 763.72113/412

The Secretary of State to the Alien Property Custodian (Palmer)

WASHINGTON, December 4, 1917.

SIR: The Department is in receipt of your letter of November 26, 1917,¹ in which you state that a banker in London, who is the owner of record of shares of stock in the United States Steel Corp., has in pursuance of the income tax law of the United States filed with the corporation a statement certifying that while he is the registered owner of the stock, the real owner is the Public Trustee of England, and that this leads you to the conclusion that the London banker was carrying the stock for a German subject and that it has now been turned over to the Trustee.

You point out that under the Trading with the Enemy Act all dividends from stock held by an enemy go to the Alien Property Custodian, and that your legal department is of the opinion that the rights of the Public Trustee of England are no greater than those of the person whose stock he holds, and that therefore the stock is still stamped with enemy character, and that the dividend should go to you as Alien Property Custodian, which position you are prepared to take unless the Department sees some objection thereto.

Without expressing an opinion as to the legal phase of the question, the Department informs you that viewed from an international standpoint, it perceives no objection to your proposed action, provided you have satisfied yourself that the stock is in fact owned by an alien enemy. It seems important that this should be clearly established in order that any unnecessary complications may be avoided.

I am [etc.]

ROBERT LANSING

*Executive Order No. 2770, December 7, 1917, Supplemental
to Executive Order of October 12, 1917²*

By virtue of the authority vested in me by "An Act to Define, Regulate and Punish Trading with the Enemy and for Other Purposes", approved October 6, 1917, I hereby make the following orders, rules and regulations:

I. I hereby prohibit any and all foreign insurance companies from doing business within the United States after February 1, 1918, unless such companies shall first obtain from the Secretary of the Treasury licenses to do business.

¹ Not printed.² See *ante*, p. 263.

II. I further hereby vest in the Secretary of the Treasury the power and authority to issue at any time, upon such terms and conditions as the Secretary of the Treasury may deem proper and as are not inconsistent with law, or to refuse, a license to any foreign insurance company to do business within the United States through agencies, branch offices or otherwise.

WOODROW WILSON

THE WHITE HOUSE,
7 December, 1917.

Statement by the Alien Property Custodian (Palmer)¹

Declaration of war with Austria-Hungary will not change the status of citizens or subjects of Austria-Hungary resident in this country. Such persons are not included within the term "enemy" as employed in the Trading with the Enemy Act, and their property in this country will not be molested or interfered with in any way.

Deposits in the Postal Savings Banks of the United States, and deposits in other banks and banking institutions, belonging to citizens or subjects of the Austro-Hungarian Empire resident in this country are not liable to seizure by the Government and will not be taken into possession by the Alien Property Custodian. There is no reason whatever why such persons should be concerned about their property, real or personal, or their funds in bank, or securities, or other investments.

Under the Trading with the Enemy Act the test of enemy character is one of residence and not nationality. The Alien Property Custodian will take into his possession only the property in this country held for, or on account of, or for the benefit of persons who are actually resident within the enemy territory.

File No. 763.72113/414

The Secretary of State to the French Ambassador (Jusserand)

No. 2017

WASHINGTON, December 14, 1917.

EXCELLENCY: I have the honor to acknowledge the receipt of your note of November 24 requesting to be advised whether the American Government would deem it expedient shortly to address to the Scandinavian countries, Holland, Switzerland, and Spain a joint note with France and Great Britain for the purpose of securing to the Allies the possession of the stocks of goods gathered in those neutral

¹ *The Official Bulletin*, Washington, Dec. 10, 1917 (vol. 1, No. 180), p. 2.

countries for the benefit of the Central Empires with the object of resuming economic activities on the cessation of hostilities, to the injury of the "revictualling and trade of the Allies."

In reply to Your Excellency's inquiry I have to state that the Government of the United States has given careful consideration to the proposal of the French Government, and has reached the conclusion that at the present time it would be inexpedient for the Government of the United States to join in such representations to the neutral countries mentioned as are set forth in your note under acknowledgment.

Accept [etc.]

ROBERT LANSING

File No. 763.72113/432

The Secretary of State to the Alien Property Custodian (Palmer)

WASHINGTON, December 21, 1917.

SIR: I beg to acknowledge the receipt of your letter of December 20,¹ with regard to the question of making a demand for property belonging to and held for, by, on account of and on behalf of, and for the benefit of residents of Turkey who are enemies within the meaning of the Trading with the Enemy Act.

In reply I desire to point out that Turkish interests in the United States are very small as compared to American holdings in Turkey and that any action on our part looking to the seizure of Turkish property would result in the Turkish Government seizing property in Turkey as a retaliatory measure with tremendous losses to American interests.

In these circumstances and in view of the fact that we are not actually at war with Turkey, it is the opinion of this Department that no demand be made for property in the United States belonging to and held for, by, on account of, and on behalf of, and for the benefit of residents of Turkey.

I am [etc.]

ROBERT LANSING

File No. 371.11/220

The Chargé in Switzerland (Wilson) to the Secretary of State

[Telegram]

BERNE, December 22, 1917, 5 p. m.

[Received December 24, 4.30 a. m.]

2289. Department's 1227, December 15, 5 p. m.² Spanish Embassy, Berlin, wires as follows:

¹ Not printed.

² Not printed; see telegram No. 1076, Oct. 31, *ante*, p. 266.

German Government informs me, in note just received, that their liquidation of American oil properties in Roumania has not yet been effected but that this liquidation will be effected surely in the event of news of the liquidation of German properties in the United States.

WILSON

File No. 763.72113/415

*The Secretary of State to the Swiss Minister (Sulzer)*¹

No. 88

WASHINGTON, January 3, 1918.

SIR: The Department's attention has been called to the fact that in a number of cases involving the settlement in the courts of the United States of estates in which persons defined as enemies or allies of enemy by the provisions of the Trading with the Enemy Act, are interested, the consuls of the neutral countries having charge of the interests in the United States of the enemy or ally-of-enemy governments of which such persons are subjects, have made demands upon the present custodians of the funds involved for payment to them of the amounts due the respective enemy or ally-of-enemy subjects represented by them.

The Department has further been informed that the consuls of such neutral countries are appearing before workmen's compensation boards and other tribunals in the United States claiming the right to represent enemy or ally-of-enemy subjects in the collection and receipt of funds awarded by the boards and tribunals to such subjects.

I, therefore, beg to call your attention to the provisions of section 7(c) of the Trading with the Enemy Act, approved October 6, 1917, which read as follows:

If the President shall so require, any money or other property owing or belonging to or held for, by, on account of, or on behalf of, or for the benefit of an enemy or ally of enemy not holding a license granted by the President hereunder, which the President after investigation shall determine is so owing or so belongs or is so held, shall be conveyed, transferred, assigned, delivered, or paid over to the Alien Property Custodian.

In view of the fact that, pursuant to the provisions of the Trading with the Enemy Act, the President has appointed an Alien Property Custodian whose duty it is to receive funds owing and payable to enemy or ally-of-enemy subjects, the Department is of the opinion

¹The same, *mutatis mutandis*, on the same date, to the Spanish Ambassador, in charge of Turkish interests in the United States (No. 773), and to the Swedish Minister, in charge of Austro-Hungarian interests (No. 317).

that it would be well if, in the interest of uniformity of action, and in order to obviate possible confusion and misunderstanding regarding matters of this character, you could find it convenient to bring to the attention of the Swiss consular officers in the United States the above-quoted provisions of the act in question.

Accept [etc.]

ROBERT LANSING

File No. 763.72113/433

The Belgian Minister (De Cartier) to the Secretary of State

No. 127

WASHINGTON, *January 10, 1918.*

[*Received January 15.*]

SIR: A British-French-Belgian conference was held in Paris on October 9, 1917, to consider measures to be taken, from now on, to protect the property and interests of the citizens or subjects of the Allies in enemy country or in territory occupied by the enemy.

The necessity of taking measures in this respect has been made imperative by the system of spoliation and destruction pursued by the German authorities against the property and interests of the Allies, notably in Belgium and in northern France.

As I have the honor to show by the attached documents (annex 2),¹ since the invasion the Germans have applied themselves to ruining, more and more, Belgium and northern France by exorbitant financial exactions, by the requisition of cattle, of horses and of all the stocks of commodities and merchandise, by the carrying off and transportation to Germany of raw materials, of the machinery and tools of industrial plants, by the deportation of the workmen, by the destruction of factories, etc.

The situation has become the more alarming as, according to the latest advices from the occupied territories, the Germans are continuing to demolish all the factories, to cut down the forests, and to requisition from private individuals all sorts of objects, even down to carpets, bed-coverings, linen, clothing, shoes, etc.

It is impossible to foresee where these requisitions will end, and even whether the securities and valuables of private individuals will be safe from confiscation.

All this spoliation and destruction is carried out in accordance with a methodic plan acknowledged by the Germans, for the double purpose of increasing the resources of Germany and, at the same time, of exhausting completely the financial and economic resources of Belgium and of northern France, not only for the present but also for the future. Indeed, according to the thought of the German authorities, while the factories of Belgium and of northern

¹ Not printed.

France will have been destroyed, German industries will be able to recommence work immediately after the war on account of their machinery remaining intact and even being augmented by all the machinery carried out of Belgium and France; in this way German industries would be in a position to furnish their products to the foreign markets of Belgium and France, and, in addition, to invade the domestic markets of these two countries.

It is to be feared that nothing will be left in Belgium and northern France, unless some means can be devised to cause the Germans to cease these depredations.

Under these circumstances, the conference assembled at Paris adopted several resolutions, notably the following:

(1) In each of the Allied countries organizations shall be constituted for the purpose of collecting and studying all useful information regarding:

- (a) The private property and private interests of each Allied country in enemy territory or in territory occupied by the enemy;
- (b) The private property and private interests of the enemy in the Allied countries.

(2) Enemy property and enemy interests existing at the end of the war in Allied countries or in territory occupied by the Allied troops, shall be considered as security held in common against the totality of the Allied private property and interests which has been in the power of the enemy.

(3) The Allied Governments themselves shall take, and shall recommend to the neutral states to take all necessary measures to prevent, within their territories, during the war and after the end of hostilities, the introduction and the negotiation of securities and valuables which have been, since the beginning of the war, in the power of the enemy.

(4) A declaration shall be communicated to Germany which has taken special measures concerning Allied private property.

These various resolutions have been ratified by the Governments of Great Britain, France and Belgium.

In conformity with an understanding between these Governments, I have been instructed by my Government to communicate to you, Sir, the enclosed text of the final protocol¹ and of the draft of the collective declaration adopted by the conference assembled at Paris (annex 1).²

I have also been instructed to ask the Government of the United States to be kind enough to give its adhesion to the resolutions and to the draft of declaration in question.

These resolutions, which are of a conservatory and preventive character, have been adopted to counteract the measures of confiscation and liquidation of Allied private property on the part of

¹ Not printed.

² Enclosure hereto.

the enemy; they constitute a warning which may cause Germany to modify her policy of spoliation.

The Governments of France, Great Britain and Belgium are profoundly appreciative of the great sympathy shown to their nationals in the United States—a sympathy which has shown itself in so many ways, especially by the generous and efficient aid given by the American Government to relieve the suffering of the people of northern France and of Belgium. Consequently, they take the liberty of commending earnestly to the benevolent consideration of the American Government this question which is of vital interest to the commerce, industry and fortunes of their nationals now so gravely menaced by the actions of the German authorities. It is to be specially noted that Belgium, whose territory is almost entirely occupied by the Germans, has not the guarantee of holding enemy property in its power—a fact which leaves all private property in Belgium completely at the mercy of the Germans.

The aim sought by the conference could be much more easily attained if the American Government would, by its adhesion to the proposals in question, add the weight of the powerful influence which it is in a position to exercise in this highly important matter.

Please accept [etc.]

E. DE CARTIER

[Enclosure—Translation]

DRAFT DECLARATION

The Government of ----- in presence of the different measures which have been applied by the German Government in respect of private Allied property and interests situated in Germany, in Alsace-Lorraine and on the territory occupied by German forces solemnly declare by these present their intention to obtain compensation for the losses sustained thereby.

They further declare that they do not intend, at least for the present, to avail themselves of the German provocations in view of modifying the policy which has hitherto been followed in each of these countries in respect of enemy property or interests, but they have decided to take the necessary steps in order to secure the preservation of the pledge actually at their disposal.

They wish to make it quite plain that they shall consider from now, the whole of German private property and interests situated on their respective territory, as a security for the whole of private property and interests held by enemies of the German Empire and actually under German control.

This "bloc" of private property and interests shall secure equitable compensation or restitutions.

File No. 763.72113/437

The British Chargé (Barclay) to the Secretary of State

No. 55

WASHINGTON, *January 14, 1918.*[*Received January 15.*]

SIR: My Belgian colleague has communicated to me a copy of the note which he has addressed to you on the 10th instant, enclosing the final protocol of a recent Anglo-Franco-Belgian conference in Paris on the subject of Allied property and interests in enemy countries and in territory occupied by the enemy, and inviting the United States Government to adhere to the policy outlined therein.¹

In conformity with instructions which I have received from His Majesty's Principal Secretary of State for Foreign Affairs, I have the honour to support the representation which has thus been made to you by His Excellency Monsieur Cartier de Marchienne.

At the same time, I am directed to make it quite clear to you that the policy of the "bloc" entails no confiscation of enemy property, His Majesty's Government being of opinion that such confiscation is contrary to all the modern principles of international law, but that it means that the nations who adhere thereto will all act together in refraining from releasing enemy property on the conclusion of peace until they are assured that Allied property in enemy countries will be released in the same way.

I have [etc.]

COLVILLE BARCLAY

File No. 763.72112/6247

The Acting Secretary of State to the Swedish Minister (Ekengren)

No. 331

WASHINGTON, *January 18, 1918.*

SIR: I have the honor to acknowledge the receipt of your notes, No. 1728/23 of October 29, 1917,² and Ad No. 1728/23 of January 7, 1918,² stating that you have been requested by the Austro-Hungarian Government to ascertain how measures to be taken by the Government of the United States pursuant to the provisions of the Trading with the Enemy Act, approved October 6, 1917, will apply to Austro-Hungarian subjects.

By way of reply I beg to enclose for your information a copy of the act in question together with a copy of an Executive order issued on October 12, 1917,³ pursuant to the provisions thereof.

In view of the impossibility of anticipating the varying circumstances which may arise in connection with the administration of the provisions of the act, you will readily appreciate the reluctance with

¹ See *supra*.² Not printed.³ See *ante*, p. 263.

which this Government would undertake to indicate in advance and in general terms the nature of the action which it may be found necessary to take with respect to interests of Austro-Hungarian subjects in carrying into effect the provisions of the act. I may inform you, however, that no proclamation has been issued by the President pursuant to the provisions of section 2(c) of the act.

Accept [etc.]

FRANK L. POLK

File No. 763.72113/448

The French Ambassador (Jusserand) to the Secretary of State

[Translation]

WASHINGTON, *January 19, 1918.*

[*Received January 25.*]

MR. SECRETARY OF STATE: Under date of the 10th of this month, the Minister of Belgium in compliance with instructions he had received and in accordance with an agreement reached with the English and French Governments, brought to Your Excellency's notice the measures decided on in Paris on October 9 last, with a view to protecting the property and interests of the inhabitants of territory invaded by the Germans. Those measures were made indispensable by the system of spoliation and destruction applied with unexampled brutality by the Germans, especially in Belgium and northern France.

By order of my Government and adverting to the remarks I have already made orally on the subject at the Department of State I have the honor to express to Your Excellency my unqualified support of the proposition laid before you by Monsieur de Cartier.

This is a grave and urgent matter; it commands the attention of all the Allied Governments. If adequate measures taken in common accord are lacking there can be no other result than incitement for an enemy to keep on robbing and destroying.

My Government would therefore attach very great importance to having that of the United States join us and insure the effectiveness of the contemplated measures by taking its part therein.

It is hardly necessary for me to point out that the proposed measures are as conformable to the law of nations as our enemy's acts are antagonistic to the same law. We do not propose to confiscate but to sequester and ultimately return the property subject to the condition that our nationals will be again put in possession of that which belongs to them.

I should be very glad if Your Excellency could enable me at the earliest possible date to report your views to my Government par-

ticularly if they should, as I hope they will, coincide with those which I hereby have the honor to commend to your attention.¹

Be pleased to accept [etc.]

JUSSERAND

File No. 763.72113/447

The Swiss Minister (Sulzer) to the Secretary of State

Department of German
Interests IV-14

WASHINGTON, *January 25, 1918.*

[*Received January 26.*]

SIR: I have the honor to inform Your Excellency that the Legation is in receipt of a cablegram from the Swiss Foreign Office, as follows:

The Legation at Berlin advises German Government desires to know:

(1) If offices of the Hamburg-American Line have been definitely seized and if the American authorities have taken possession. ✓

(2) If the Supreme Court has given sequestration power in order to liquidate 43,000 stocks and bonds of gold-mine companies, in which subjects of enemy states are interested. ✓

(3) If the American Treasury Department has ordered the liquidation of enemy insurance companies with the exception of life insurance companies.

(4) If, in a general way, the seizure or liquidation of German private property, particularly of German commercial enterprises, has been ordered.

The Minister begs leave to add that he will be happy to transmit to his Government the reply of the Government of the United States.

HANS SULZER

File No. 763.72113/446

The Ambassador in Spain (Willard) to the Secretary of State

No. 1005

MADRID, *December 22, 1917.*

[*Received January 26, 1918.*]

SIR: The Minister of State informs the Embassy that he has been notified by the Spanish Ambassador in Berlin that, in compliance with the desires expressed by the American Legation in Berne, information was requested of the German Government on November 6 in

¹ Memorandum of the Assistant Secretary of State (Phillips), Feb. 15, 1918, states: "I told De Laboulaye [Second Secretary of the French Embassy] that the Belgian Minister has asked me in case of a decision in the negative not to reply to the Belgian note, consequently we thought it was better not to reply to the French Ambassador's note. Mr. de Laboulaye agreed that it was the best course under the circumstances." (File No. 763.72113/647.)

regard to the regulations in force concerning deposits, securities and current accounts in German banks belonging to American citizens.¹ The German Government has sent to the Spanish Ambassador a reply, copies of which are enclosed herewith.

I have [etc.]

JOSEPH E. WILLARD

[Enclosure—Translation]

The German Foreign Office to the Spanish Embassy at Berlin

NOTE VERBALE

In reply to a *note verbale* of the 6th of this month (Am. Div. No. 9590), relative to the treatment of American citizens' 12722

deposits and credits in German banks, the Department of Foreign Affairs has the honor to make the following statement to the Royal Embassy of Spain.

In its telegram the Legation of the United States at Berne complained that the said deposits and amounts were subjected to special supervision by the Imperial Bank which requires Americans wishing to draw their funds to state the purpose to which the money is to be put. Considering the treatment to which German deposits in American banks have been subjected for some months past, the German Government cannot but express its surprise at the complaint.

As early as June last, the American State Department informed the Legation of Switzerland at Washington that the banks were under general instructions as to the supervision of the accounts of enemy subjects and citizens.² In July, the State Department declared all payments from the United States to Germany have been forbidden since President Wilson's proclamation of April 6.³ These restrictions put upon German creditors impelled the German Government to issue in August a decree forbidding payments to the United States. Apart from that prohibition, American citizens at the time when the Legation of the United States at Berne preferred its complaint were still at liberty to draw on their bank deposits and credits in the same manner as German, Allied, or neutral citizens or subjects.

In the meanwhile the German Government has obtained knowledge of the American Trading with the Enemy Act of October 6 which

¹ See telegram No. 1051, Oct. 24, 1917, to the Chargé in Switzerland, *ante*, p. 264.

² Possibly refers to circular letter of May 10, 1917, from the Governor of the Federal Reserve Board to the Federal Reserve banks (*Foreign Relations, 1917, Supplement 2*, vol. II, p. 814), although no record found of its communication to the Swiss Legation.

³ No record found of specific declaration of Department of State to that effect.

deprives German citizens or subjects of any right to dispose of their property in the United States. This constrained the German Government to resort to reprisals. By an order of the 10th of this month (*Reichs-Gesetzblatt*, p. 1050) certain provisions of the order of October 7, 1915 (*Reichs-Gesetzblatt*, p. 663), were made applicable to American citizens so that they can no longer dispose of, convey, or carry abroad their property in Germany without a special license. Those provisions, however, do not prevent American residents or branches of American concerns in Germany from disposing of their property for the benefit of persons residing in Germany. But in view of the grave injury done to German private rights by the above-cited act, the German Government will be compelled to consider whether it may not be necessary to adopt still more effective measures with respect to American private property.

BERLIN, *November 30, 1917.*

File No. 763.72113/435

The Secretary of State to the Chargé in Switzerland (Wilson)

[Telegram]

WASHINGTON, *January 23, 1918, 8 p. m.*

1414. For Berlin:

Please report fully by cable as soon as possible on the status of American property in Germany as affected by official acts of the German Government since the existence of a state of war between the United States and Germany; particularly whether an alien property custodian has been appointed to take charge of and control American property. If so, please forward official regulations and ask German Government to furnish you at quarterly intervals, for transmission to the Department, detailed reports concerning the taking over of American property. Repeat *mutatis mutandis* to Vienna.

LANSING

File No. 763.72113A/-

The Assistant Secretary of State (Phillips) to the Chairman of the Committee on Public Information (Creel)

WASHINGTON, *January 31, 1918.*

MY DEAR MR. CREEL: I enclose a self-explanatory statement which I should appreciate having published in an early issue of *The Official Bulletin* and given such other and wider publicity as is possible, in

order that the information elicited thereby may be as nearly complete as it is feasible to obtain in this manner.

Thanking you [etc.]

WILLIAM PHILLIPS

[Enclosure]

*Statement by the Secretary of State*¹

The Secretary of State, deeming it advisable in the interests of the United States and of the persons concerned to have of record in his Department as complete information as possible regarding the character and extent of American-owned property in the countries of the enemies and the allies of the enemies, or in territory under their military control or occupation, desires that all American citizens, owners of such property, whether real or personal, will forward to the Secretary of State a full statement of the facts with regard thereto.

Communications to the Secretary of State in response to this notice should in particular state:

(1) Whether the owner is a native or naturalized citizen of the United States. (If naturalized he should state his original nationality and when and where he was naturalized as an American citizen, and where he now resides.)

(2) (If it be real estate)—

- (a) The exact location, nature, extent and value (actual, not exaggerated) thereof;
- (b) When and in what manner it was acquired;
- (c) From whom acquired (indicating name and nationality);
- (d) Whether there are any encumbrances thereon, and if so, the nature and amount thereof.

(3) (If personal property)—

- (a) The form of such property;
- (b) The face value thereof;
- (c) The date on which it was acquired;
- (d) From whom it was acquired, indicating the name and nationality, if possible, of the former owner;
- (e) Whether any interest has accrued thereon, and if so the rate of interest stipulated for;
- (f) The last known location of the property;
- (g) The name of its last known custodian.

(4) If the owner of the property to be reported is an American corporation, joint stock company or partnership, full information regarding the nature of the concern and the percentage of foreign interest therein, if any, should be given.

¹ *The Official Bulletin*, Washington, Feb. 8, 1918 (vol. 2, No. 229), p. 4.

File No. 763.72113/456

The French Ambassador (Jusserand) to the Secretary of State

[Translation]

WASHINGTON, January 30, 1918.

[Received February 1.]

THE SECRETARY OF STATE: My Government has just forwarded to me the text of an order of the Imperial Chancellor published in the *Reichsanzeiger* of December 18 last, relative to the custodianship of American interests in Germany.

For all pertinent purposes I have the honor to transmit herewith to Your Excellency a copy of a memorandum in which my Government condensed the information it has received on the subject.

Be pleased to accept [etc.]

JUSSERAND

[Enclosure—Translation]

Memorandum of the French Foreign Office

After making it compulsory, by the order of November 10, 1917, to register property in Germany belonging to persons subject to the jurisdiction of the United States of America, the German Government has just extended to the said property the provisions relative to obligatory custodianship.

We find in No. 299 of the *Reichsanzeiger* of December 18, 1917, the following order:

ORDER OF DECEMBER 13, RELATIVE TO THE OBLIGATORY CUSTODIANSHIP OF AMERICAN INTERESTS

By way of reprisals and by operation of article 9 of the order of November 26, 1914, relative to the custodianship of French interests, it is ordered as follows:

The provisions of the order of November 26, 1914, relative to the custodianship of French interests as formulated in the order of February 10, 1916, are declared to be applicable also to persons subject to the jurisdiction of the United States of America.

The present order will go into effect on the day of its promulgation. Berlin, December 13, 1917.

For the Chancellor:
Freiherr von Stein

The order of November 26, 1914, applies to concerns the capital of which belongs wholly or for the most part to French nationals, and to branches of such concerns, and to real estate.

The order of February 10, 1916, includes in such property inherited property belonging to a business enterprise, property forming part of an estate and, for special reasons, all other inherited property, such as credits and securities.

File No. 763.72113/452

The Chargé in Switzerland (Wilson) to the Secretary of State

[Telegram]

BERNE, *January 31, 1918, 7 p. m.*

[*Received February 2, 6.25 a. m.*]

2547. Spanish Embassy, Berlin, reports that Embassy is being asked daily by American citizens whether there is truth in report that American Government has taken or is contemplating action to sequester property of American citizens remaining in Germany. Embassy requests cable reply, adding that Trading with Enemy Act of October 6 does not appear to contain any such regulations.

WILSON

Proclamation No. 1427, February 5, 1918, Including Germans and Austro-Hungarians in the Custody of the War Department within the Term "Enemy" for the Purposes of the Trading with the Enemy Act

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS paragraph (c) of Section Two of the Act entitled "An Act To define, regulate, and punish trading with the enemy, and for other purposes," approved October 6, 1917, known as the Trading with the Enemy Act, provides that the word "enemy" as used therein shall be deemed to mean, for the purposes of such trading and of said Act, in addition to the individuals, partnerships or other bodies of individuals or corporations specified in paragraph (a), and in addition to the Government and political or municipal subdivisions, officers, officials, agents or agencies thereof specified in paragraph (b), of said Section Two, the following:

"Such other individuals, or body or class of individuals, as may be natives, citizens, or subjects of any nation with which the United States is at war, other than citizens of the United States, wherever resident or wherever doing business, as the President, if he shall find the safety of the United States or the successful prosecution of the war shall so require, may, by proclamation, include within the term "enemy;" "

AND WHEREAS, under the provisions of and by virtue of the power and authority granted in Sections four thousand and sixty-seven, four thousand and sixty-eight, four thousand and sixty-nine, and four thousand and seventy, of the Revised Statutes, and in accordance with proclamations and regulations which have been or which may here-

after be made and established thereunder by the President of the United States, certain alien enemies have been, or may from time to time be, transferred after arrest into the custody of the War Department for detention during the war;

NOW, THEREFORE, I, WOODROW WILSON, President of the United States of America, pursuant to the authority vested in me, and in accordance with the provisions of the said Act of October 6, 1917, known as the Trading with the Enemy Act, do hereby find that the safety of the United States and the successful prosecution of the present war require that all natives, citizens or subjects of the German Empire or of the Austro-Hungarian Empire who, by virtue of the provisions of Sections four thousand and sixty-seven, four thousand and sixty-eight, four thousand and sixty-nine, and four thousand and seventy, of the Revised Statutes, and of the proclamations and regulations thereunder, have been heretofore or may be hereafter transferred after arrest into the custody of the War Department for detention during the war, shall be included within the meaning of the word "enemy" for the purposes of the Trading with the Enemy Act and of such trading; and I do hereby proclaim to all whom it may concern that every such alien enemy who is so transferred, after arrest, into the custody of the War Department for detention during the war, shall be and hereby is included within the meaning of the word "enemy" and shall be deemed to constitute an "enemy" for said purposes.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE in the District of Columbia, this 5th day of February, in the year of our Lord one thousand nine hundred and eight-
[SEAL] een, and of the independence of the United States the one hundred and forty-second.

WOODROW WILSON

By the President:

FRANK L. POLK

Acting Secretary of State.

File No. 763.72113/447

The Secretary of State to the Swiss Minister (Sulzer)

No. 129

WASHINGTON, *February 13, 1918.*

SIR: I have the honor to acknowledge the receipt of your two memoranda of October 31,¹ and December 21, 1917,² respectively,

¹ *Ante*, p. 266.

² Not printed.

and note of January 25, 1918,¹ in which you give the text of communications received from the German Government through the Swiss Foreign Office, with regard to the desire of that Government to receive certain information relative to German private property in the United States.

In reply I have the honor to enclose for your information in connection with the inquiries of the German Government, contained in your note of January 25, two memoranda of the Alien Property Custodian, dated February 7, 1918, and November 13, 1917, respectively.²

With regard to your memorandum of October 31 last, transmitting the inquiry of the German Government concerning patents, I have the honor to enclose for your information copy of a statement received from the chairman of the Federal Trade Commission on November 2,³ with reference to the application of the Trading with the Enemy Act to the use by American citizens and corporations of patents and copyrights owned or controlled by enemies or allies of enemy.

I should add however that in so far as these statements appear to explain acts of Congress, they are not to be taken as definitive statements as to their meaning which may possibly be made a matter of judicial determination.

I beg also to enclose for your information a copy of the Trading with the Enemy Act, approved October 6, 1917,⁴ together with a copy of an Executive order issued on October 12, 1917, pursuant to the provisions thereto.⁵

Accept [etc.]

ROBERT LANSING

[Enclosure ⁶]

*Memorandum of the Alien Property Custodian (Palmer)*⁷

WASHINGTON, February 7, 1918.

1. The offices of the Hamburg-American Line have been taken over by the Alien Property Custodian under the authority of the Trading with the Enemy Act.

2. Supreme Court has, of course, made no such order. If subjects of Germany residing in enemy territory own stocks and bonds of gold-mine companies, the taking over of such enemy interests will

¹ *Ante*, p. 279.

² For summary of statement of Nov. 13, see telegram No. 774, Nov. 14, to the Minister in the Netherlands, *ante*, p. 267.

³ *Post*, p. 328.

⁴ Not printed.

⁵ See *ante*, p. 263.

⁶ Filed separately under File No. 763.72112/5372.

⁷ In answer to inquiries of the German Government contained in note of Jan. 25, 1918, from the Swiss Minister, *ante*, p. 279.

be contemplated by the Alien Property Custodian. The interests of German subjects resident in this country have not been touched.¹

3. The Treasury Department has ordered the liquidation of enemy fire and reinsurance companies, which liquidation is now proceeding under the supervision of the Alien Property Custodian.

4. The liquidation of German private property, particularly the German commercial enterprise, is being accomplished under the direction of the Alien Property Custodian where such enterprises are conducted by partnerships of which an enemy as defined by the Trading with the Enemy Act is a member. The act of war having avoided such partnership agreements, the War Trade Board has issued licenses to the partnerships to continue in business for the purpose of liquidating out the enemy interest under the supervision and control of the Alien Property Custodian. Where the enemy interest is in the shape of stockholdings in American corporations, the Alien Property Custodian is taking over the stockholdings and representing the stock and is placing directors in the companies to supervise the management and operation of such companies. None of such corporations is being liquidated at the present time.

File No. 763.72113/455

The Secretary of State to the Swiss Minister (Sulzer)

MEMORANDUM

The Secretary of State presents his compliments to the Minister of Switzerland, in charge of German interests in the United States, and, referring to his memorandum of January 9, 1918,² requesting that the Legation be furnished reports from the Alien Property Custodian of property derived from the settlement of estates placed under his control, in so far as such property belongs to German subjects in Germany, or in which such persons have an interest, has the honor to inform the Minister that the Department is now in receipt of a letter from the Alien Property Custodian stating that he will be glad to furnish the Legation quarterly, beginning April 1, with a list of decedents' estates in which German subjects in Germany are interested, together with a statement of moneys belonging to German

¹ Paragraph 2 of this memorandum as received from the Alien Property Custodian reads as follows (File No. 763.72112/5372) :

(2) Supreme Court has, of course, made no such order. If subjects of Germany residing in enemy territory own stocks and bonds of gold mine companies, such enemy interests will be taken over by the Alien Property Custodian. The interest of German subjects resident in this country will not be touched.

² Not printed.

subjects in Germany received by the Alien Property Custodian in settlement of such estates.

WASHINGTON, *February 23, 1918.*

File No. 763.72113/462

The Secretary of State to Messrs. Briesen & Schrenk, New York City

WASHINGTON, *March 5, 1918.*

GENTLEMEN: The Department acknowledges the receipt of your letter of February 18, 1918,¹ in which you request to be informed as to the procedure which Mr. Paul Hagspihl, an enemy alien, at present interned at Fort Oglethorpe, Ga., must follow in order to draw upon the personal funds at present deposited with the Equitable Trust Co., of New York City.

In reply the Department begs to inform you that it has been advised by the Alien Property Custodian that in the cases of interned enemy aliens who come within the proclamation of the President of February 5, 1918, he is requiring to be turned over to him only the property of such enemies as may be in excess of \$5,000. Furthermore, the Department understands that the War Trade Board is shortly to issue a general license to this class of interned aliens to draw for relief on such of their personal property as may not be taken over by the Alien Property Custodian.

In view of the above, the Department believes that inasmuch as Mr. Hagspihl appears to have on deposit with the Equitable Trust Co. only about \$1,500 or \$1,600, he will be authorized to draw upon this amount as soon as the above-mentioned general license shall have been issued by the War Trade Board.

I am [etc.]

For the Secretary of State:

ALVEY A. ADEE

Second Assistant Secretary

File No. 763.72113/452

*The Acting Secretary of State to the Minister in Switzerland
(Stovall)*

[Telegram]

WASHINGTON, *March 12, 1918, 7 p. m.*

1605. Your 2547, January 31, 7 p. m. According to statement of Alien Property Custodian, under Trading with the Enemy Act resi-

¹Not printed.

dence, not nationality, is made primary test of enemy character. Any person residing within territory of enemy, including that occupied by armed forces of enemy, or any person residing outside United States and doing business within such territory, whether such person be a subject of enemy country or not, comes within definition of word "enemy" as used in the act. An American citizen, therefore, resident in Germany, would be within the enemy class and his property in this country might be taken in charge by Alien Property Custodian and administered in pursuance of the act. Whether a person is a resident, however, is to be determined upon facts of a particular case. An American citizen who is in enemy country under such circumstances as do not make him a resident therein, would not come within enemy class and his property would not be taken over by Alien Property Custodian under the act.

The Custodian states further that it is his policy to demand such property, giving the person to whom demand is issued, 15 days in which to show cause why property should not be taken over, and that in a great many cases property of this nature has actually been taken in charge.

POLK

File No. 763.72113/485

The Chargé in Denmark (Grant-Smith) to the Secretary of State.

[Telegram]

COPENHAGEN, *March 16, 1918.*

[Received 11.03 p. m.]

2051. For War Trade Board from Owen:¹

Following from *Deutscher Reichsanzeiger*, Berlin, March 11, 1918:

Official order regarding liquidation of American enterprises of March 4, 1918, on ground of article 12, paragraph 2, of act relating to liquidation of British enterprises of 31st July 1916 (*Reichs-Gesetzblatt*, p. 871), following is enacted:

ARTICLE 1. Regulations of act regarding liquidation of British enterprises of 31st July 1916 are declared in the way of reprisal as applicable to enterprises, whose capital belongs predominantly to citizens of United States of America, or which are managed or controlled from the territory of the United States of America, or which were until the outbreak of the war managed or controlled therefrom, as well as to the interests of citizens of the United States of America in such enterprises.

¹ William H. Owen, of the Bureau of Foreign Agents, War Trade Board.

ART. 2. This order goes into effect the day of announcement. Berlin, March 4, 1918, signed Freiherr von Stein, representing Imperial Chancellor.

For act of 31st July, 1916, see *Kriegs-Notgesetze*, Library, Department of State.

AM[ERICAN] LEGATION

File No. 763.72113/489

The French Ambassador (Jusserand) to the Secretary of State

[Translation]

WASHINGTON, *March 17, 1918.*

[*Received March 20.*]

MR. SECRETARY OF STATE: In view of the provisions of the Trading with the Enemy Act which at present prevent the Federal Government from adhering, as it had been earnestly entreated to do by the French, British, and Belgian Governments, to the draft of declaration adopted by those three Governments at the Paris conference of October 9, 1917,¹ to secure the protection of private interests in territory occupied by the enemy, I had orally inquired of the Department of State whether the act could be amended. Inasmuch as this is an urgent question, and as the enemy, believing he has no serious consequences to fear, continues his depredations, I had asked whether immediate publicity could not at least be given to the fact that the Federal Administration, for its part, stood in favor of the principles stated in the Belgian Minister's communication of January 10 last² and commended to Your Excellency's attention by my note of the 19th of the same month.³

My Government has just made known to me the great value it attaches to having action taken on that suggestion, both for the effect it is likely to work on the Germans and from the standpoint of public opinion in France, which is alarmed at the announcement of the liquidation of German property in the United States and fears that the measure may involve the liquidation of French property seized by the German authorities.

In this connection, the Government of the Republic wishes me to point out to Your Excellency that such a liquidation of enemy property may be fraught with serious consequences to the French and Belgians. If the relative proportion of seized property be taken into account, American and English interests stand in inverse ratio

¹ See *ante*, pp. 274-276.

² *Ante*, p. 274.

³ *Ante*, p. 278.

to the Belgian and French interests, and while it is deemed necessary for the common good to take measures that run counter to the last-named interests, it is no less indispensable, in my Government's opinion, that a palliation of their effects be sought by the Allies. A public declaration by the American Administration above mentioned, expressing a desire to hold jointly with France, England, and Belgium enemy property as a common surety, would be regarded by us as one of the most effective means of achieving that object.

I am in position to add that the French Government is now drawing up a bill which places a lien upon enemy property sequestered by us as security for French property seized by the Germans, and, in the event of a convention, as security for all Allied property now in the hands of the enemy.

Under the circumstances, I venture again to commend to the benevolent attention of the Government of the United States the suggestion previously offered by me. I should be glad if the Federal Government would at the same time consider whether it cannot immediately adhere to the other resolutions in the declaration adopted at the Paris conference of October 9, 1917, and in particular, to that which relates to the Governments' communicating to one another information concerning enemy property lying within their respective territories.¹

Be pleased to accept [etc.]

JUSSERAND

File No. 763.72113/493

The Ambassador in Great Britain (Page) to the Secretary of State

No. 8476

LONDON, *March 8, 1918.*

[*Received March 25.*]

SIR: In amplification of my cable No. 8913 of March 6 (3 p. m.),² I have the honor to transmit, herewith, for your information an extract from *Deutscher Reichsanzeiger* of February 4 and *Münchener Neueste Nachrichten* of February 5, 1918, to the effect that on 30th January a notice was issued by the German Imperial Chancellor extending the provision requiring the notification of enemy property in Germany to property of citizens of the United States; also the extension to such citizens of the provisions requiring notification of German claims against enemy subjects.

I have [etc.]

(For the Ambassador)

IRWIN LAUGHLIN

¹ This note was not answered.

² Not printed.

[Enclosure]

Summary of Statements Published in "Deutscher Reichsanzeiger," February 4, 1918, and "Münchener Neueste Nachrichten," February 5, 1918

A notice issued by the Imperial Chancellor under date 30th January extends the provisions requiring notification of enemy property in Germany to the property of the subjects of Japan, Portugal, Italy, the United States, Panama, Cuba, Siam, Liberia, China, and Brazil. This property is to be notified directly to the Trustee for Enemy Property. At the same time the provisions requiring notification of German claims against enemy subjects are extended to claims against the subjects of the United States, Panama, Cuba, Siam, Liberia, China, and Brazil. Only claims which took shape as pecuniary claims before certain fixed dates are notifiable. The fixed dates are as follows: for claims against the United States, 6th April 1917; against Panama, 7th April 1917; against Cuba, 10th April 1917; against Siam, 22d July 1917; against Liberia, 4th August 1917; against China, 14th August 1917; against Brazil, 26th October 1917. Notification must be made directly to the Business Office for Foreign Claims, Berlin.

File No. 763.72113/781

*Public Statement by the Alien Property Custodian (Palmer),
March 28, 1918¹*

The amendment to the Urgent Deficiency Bill gives the Alien Property Custodian the general power of sale of all property which shall come into his possession under the provisions of the Trading with the Enemy Act. His powers in this regard under the original act were somewhat restricted and he was permitted to sell only if and when necessary to prevent waste and protect the property. These restrictions are now eliminated and he is authorized to sell any and all enemy-owned property in this country. It will not be the policy of the Alien Property Custodian, however, to disturb the private investments of the ordinary individual German subject. The power of sale will be exercised only in cases where in the public interest it seems to be wise to absolutely divorce German capital from American industry and commerce.

In the cases of industrial plants and other businesses situated in this country, which are in effect mere American branches of similar industrial and commercial concerns in the German Empire, plans will be considered to thoroughly Americanize the industries

¹ Transmitted in a letter from the Alien Property Custodian to the Secretary of State, Nov. 13, 1918, as "issued on Mar. 28, 1918," but not found in *The Official Bulletin* or the *New York Times*.

located here. Due notice will be given by public advertisement of the time and place of sale and full description of properties to be sold. Sales will be made only to American citizens who satisfy the Alien Property Custodian that they represent American capital exclusively, and that they do not propose to purchase for the benefit, either present or prospective, of the enemy. There may be cases where the public interest may require sales by some other method than by public auction. Each of such cases will be presented to the President for his determination and each case will be considered upon its own facts.

The Custodian realizes that in making these sales he will be obliged to consider not only the character of the purchasers in order to establish a true Americanization of the properties, but the effect also upon American markets, both industrial and financial, if large enemy holdings are quickly liquidated. He will, of course, require a fair and adequate price in order that the United States at the end of the war may be in a position to account in such manner as Congress shall direct for the actual value of the properties taken over and sold, or otherwise liquidated.

Early announcement will be made of proposed sales and the terms and conditions thereof.

Executive Order No. 2832, April 2, 1918, Concerning Certain Sales to Be Conducted by the Alien Property Custodian Pursuant to the Trading with the Enemy Act and Amendments Thereof

By virtue of the authority vested in me by "An Act to define, regulate and punish trading with the enemy, and for other purposes", approved October 6, 1917, known as the "Trading with the enemy Act", and the amendment to such Act embodied in "An Act making appropriations to supply urgent deficiencies in appropriations for the fiscal year ending June 30, 1918, and prior fiscal years, on account of war expenses, and for other purposes", approved March 28, 1918, I hereby, in the public interest, make the following determination, order, rule and regulation:

The Alien Property Custodian may sell at private sale, without public or other advertisement, any live stock, feed or food stuffs, hides and other animal products, agricultural products, fertilizers, chemicals, drugs, essential oils, lumber, cotton, tobacco, furniture, books, glass and china ware, wearing apparel, jewelry, precious stones, pictures, ornaments, bric-a-brac, objects of art, raw or finished textile materials, trunks, boxes, casks and containers of all kinds, partially or completely manufactured metals, fabrics or other articles, rubber and rubber products, and all kinds of merchandise, in lots having a market value at the time and place of sale not exceeding Ten Thou-

sand Dollars (\$10,000) per lot. Any such sale may be conducted at the place where such property, or the greater portion thereof, is situated, or elsewhere, and upon such terms and conditions as to the Alien Property Custodian, or his authorized agent, may seem proper.

My reasons for the foregoing determination, order, rule and regulation are:

(a) The properties described in the lots mentioned are not customarily sold and cannot usually be sold to advantage either at public sale after public or other advertisement, or at the place where such properties, or the greater portion thereof, are situated.

(b) The sales hereby authorized may be made at the time and place of favorable demand, and upon such terms and conditions as may be necessary to secure the market price.

(c) Unnecessary expense, delay and inconvenience may be avoided.

WOODROW WILSON

THE WHITE HOUSE,
2 April, 1918.

File No. 763.72112/7925

The Secretary of State to the Swedish Minister (Ekengren)

The Secretary of State presents his compliments to the Swedish Minister, in charge of Austro-Hungarian interests in the United States, and with reference to his note of March 23, 1918,¹ in regard to the continuation of business by Austro-Hungarian insurance companies in the United States under the Trading with the Enemy Act, has the honor to advise him that Austro-Hungarian insurance companies which have heretofore maintained agencies or offices in the United States have been placed in liquidation under license issued by the Secretary of the Treasury, pursuant to the provisions of the Trading with the Enemy Act. The managers, or principal agents, of the companies respectively are still in charge of the liquidation of their affairs, but are under special supervision of the Alien Property Custodian.

WASHINGTON, April 11, 1918.

File No. 763.72113/509

The Secretary of State to the Ambassador in Spain (Willard)

No. 786

WASHINGTON, April 18, 1918.

SIR: You are instructed to ascertain, through the Spanish Foreign Office and the Spanish Ambassador at Berlin, the measures which

¹ Not printed.

have been taken by the German authorities with regard to the property in Germany of American citizens, and also whether these measures affect the property of American citizens residing in Germany as well. This information is urgently needed by the Alien Property Custodian.

In this relation the Department may refer to the order of the German Government of December 13, 1917,¹ extending to the property of citizens of this country the application of the orders of November 26, 1914, and February 10, 1915 [1916], relative to the custodianship of French interests. The American Minister at Berne was instructed by cable, on February 9, 1918, to procure this data, but the Department has as yet to receive his advices in the matter.

The Department may also refer to the order of March 4, 1918,² by which the regulations of July 31, 1916, regarding the liquidation of British enterprises, are declared applicable to American enterprises.

It is suggested that this information be obtained in as detailed and complete a form as possible and transmitted as expeditiously as the circumstances may permit.

I am [etc.]

For the Secretary of State:
WILLIAM PHILLIPS

File No. 763.72113/530

The Swiss Minister (Sulzer) to the Secretary of State

Department of German
Interests IV-14-B

WASHINGTON, April 15, 1918.

[Received April 22.]

SIR: With reference to Your Excellency's note dated April 9, 1918,³ and in confirmation of my note dated March 19, 1918,³ where-with I advised Your Excellency of the contents of a cablegram received from the Swiss Foreign Office, relative to the attitude of the German Government with respect to the measures taken by the Government of the United States concerning private German property.

I now have the honor to enclose copy of a *note verbale* of the German Foreign Office, dated March 10, 1918, upon which the above-mentioned cablegram was based.

Accept [etc.]

HANS SULZER

¹ *Ante*, p. 283.

² See telegram No. 2051 from the Chargé in Denmark, *ante*, p. 289.

³ Not printed.

[Enclosure—Translation]

The German Foreign Office to the Swiss Legation at Berlin

No. IIIa-4532

38940

NOTE VERBALE

The Foreign Office has the honor to answer the Swiss Legation's *note verbale* of the 23d of last month relative to the measures taken by the United States of America against German private property as follows:

The Imperial German Government enters an emphatic protest against the United States of America's invasion of German private property in United States territory. This invasion, which is not prompted by any military necessity but merely bears the odious character of an attempt to do away with peaceable German competition by violent measures, clashes in the highest degree with the spirit of the treaties which were concluded in 1785, 1799, and 1828 between Prussia, the lawful predecessor of the German Empire, and the United States, for articles 23 and 24 of the treaty of 1799, which were revived by article 12 of the treaty of 1828, were intended to relieve, in the very contingency of war, the peaceful citizens from the burdens thereof, as far as possible. The German Government has found itself constrained to retaliate by extending to the United States the orders relative to the registration and sequestration of enemy property and to the compulsory administration and liquidation of enemy business enterprises. In the enforcement of those orders the extent to which the Government of the United States invades German property in America will be kept in view.

The Foreign Office would be thankful to the Swiss Legation if it would make the foregoing known to its Government with a request that it notify this protest of the German Government to the Government of the United States of America by telegraph through the Swiss Legation at Washington.

BERLIN, *March 10, 1918.*

File No. 763.72113/535

The Minister in Switzerland (Stovall) to the Secretary of State

[Telegram]

BERNE, *April 25, 1918, 4 p. m.*

[*Received April 27, 4.50 a. m.*]

3163. Department's 1409 [1309], [January] 8,¹ and 1414, [January] 28,² and subsequent correspondence relative American property

¹ Not printed.

² *Ante*, p. 281.

in Germany. I have received from Spanish Embassy, Berlin, *note verbale* from Imperial Foreign Office dated March 23, from which following is extract:

At the beginning of the month, the Swiss Legation transmitted to the German Government a communication according to which the Government of the United States has [*which had*] already ordered the taking over of all the property of Germans residing outside of the country and the liquidation of German insurance companies, has taken measures to liquidate the other German enterprises in America. As reprisal, the German Government has decided to apply to the United States the sequestration of enemy enterprises, the registration of enemy property, and the liquidation of such property.

The German Government insists upon believing that the Government of the United States will limit itself in the use of the new administrative rulings to cases where there seems to be an urgent state interest. On its part, the German Government is resolved to carry out the above-mentioned regulations only in so far as the American authorities execute the laws issued against German property in America.

The Foreign Office requests the Royal Embassy to transmit the foregoing through the medium of its Government to the knowledge of the United States Government.

STOVALL

File No. 763.72113/545

The Swiss Minister (Sulzer) to the Secretary of State

Department of
German Interests
IV-14

MEMORANDUM

The Minister of Switzerland, representing German interests in the United States, presents his compliments to the Secretary of State, and has the honor to inform His Excellency that the Legation is in receipt of a cablegram from the Swiss Foreign Office, according to which the German Government "requests obtain declaration of American Government with all urgency whether measures of liquidation of German property have as yet been taken and against whom."

The Minister begs leave to add that the above request has reference to the first paragraphs of the Urgent Deficiency Act, approved March 28, 1918, wherein certain powers are conferred upon the President and the Alien Property Custodian with regard to enemy property in the United States.

In conclusion, the Minister begs leave to draw His Excellency's attention to the urgent character of the above request.

WASHINGTON, *May 10, 1918.*

[*Received May 11.*]

File No. 763.72113/550

The Minister in Switzerland (Stovall) to the Secretary of State

[Telegram]

BERNE, *May 13, 1918, 4 p. m.*

[*Received 6.35 p. m.*]

3348. My 3163, April 25, 4 p. m., American property in Germany. Imperial Foreign Office informs Spanish Embassy, Berlin, that measures regarding registration, sequestration, and liquidation of American property apply to the property of Americans residing in Germany as well as of those not residing there and that residence has no effect upon the working of the law. The German Government states it is resolved to execute any decrees against American property only in so far as the American authorities carry out the laws passed against German property in the United States.

STOVALL

File No. 763.72113/542

*The Secretary of State to the French Ambassador (Jusserand)*¹

No. 2152

WASHINGTON, *May 25, 1918.*

EXCELLENCY: Under the provisions of the Trading with the Enemy Act, all persons residing within enemy territory, or territory occupied by the armed forces of the enemy, are classed as enemies and their property is subject to being taken over by the Alien Property Custodian. Heretofore, it has not been the policy of the Alien Property Custodian to demand such property where it clearly appeared that the owners thereof were loyal citizens of France. Owing to the delay in securing accurate information from territory occupied by the enemy, the difficulty in determining the character of such persons is very great, and in view of the large amount of property of this nature in the United States, and the fact that the persons in this country who have charge of the property are restricted in their freedom of action in respect thereto by the limitations imposed by the Trading with the Enemy Act, serious confusion would result if the

¹ The same, *mutatis mutandis*, on the same date, to the Belgian Minister (No. 71).

Custodian should await, in each case, the receipt of information as to the status of the owner before making demand for the property.

It has been arranged that the Attorney General shall entertain jurisdiction of claims under section 9 of the act, when made by any person whose enemy character has changed since the property was taken over by reason of his coming out of enemy territory, or by reason of the enemy withdrawing its armed forces from his place of residence. This Government, therefore, considers it advisable to take over all property in this country belonging to such persons, whether they be American citizens or citizens or subjects of cobelligerent powers. This step is looked upon as a means of affording protection to the owners of the property involved who will thus be without means to satisfy any demands which may be made upon them by the enemy—their property being held for them against enemies and all others by the Government of the United States pending the presentation of claims therefor to the Attorney General.

For the foregoing reasons, this Government is desirous of treating the property in this country of citizens of France residing in territory occupied by the enemy as it treats the property of American citizens therein residing, but, before so doing, it wishes to bring the matter to Your Excellency's attention, and to inquire whether or not there exists any objection on the part of Your Excellency's Government to the adoption of the proposed measure.

Accept [etc.]

ROBERT LANSING

Proclamation No. 1454, May 31, 1918, Including Certain Individuals as "Enemies" for Purposes of the Trading with the Enemy Act, and Requiring Reports as to Their Property

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS paragraph (c) of Section Two of the Act entitled "An Act To define, regulate, and punish trading with the enemy, and for other purposes", approved October 6, 1917, known as the Trading with the enemy Act, provides that the word "enemy" as used therein shall be deemed to mean, for the purpose of such trading and of said Act, in addition to the individuals, partnerships or other bodies of individuals or corporations specified in paragraph (a), and in addition to the Government and political or municipal subdivisions, officers, officials, agents or agencies thereof specified in paragraph (b), of said Section Two, the following:

“Such other individuals, or body or class of individuals, as may be natives, citizens, or subjects of any nation with which the United States is at war, other than citizens of the United States, wherever resident or wherever doing business, as the President, if he shall find the safety of the United States or the successful prosecution of the war shall so require, may, by proclamation, include within the term ‘enemy’”;

NOW, THEREFORE, I, WOODROW WILSON, President of the United States of America, pursuant to the authority vested in me, and in accordance with the provisions of the said Act of October 6, 1917, known as the Trading with the enemy Act, do hereby find that the safety of the United States and the successful prosecution of the present war require that,

(1) Any woman, wherever resident outside of the United States, who is a citizen or subject of any nation with which the United States is at war and whose husband is either (a) an officer, official or agent of the government of any nation with which the United States is at war, or (b) resident within the territory (including that occupied by the military or naval forces) of any nation with which the United States is at war, or (c) resident outside of the United States and doing business within such territory; and

(2) All citizens or subjects of any nation with which the United States is at war (other than citizens of the United States) who have been or shall hereafter be detained as prisoners of war, or who have been or shall hereafter be interned by any nation which is at war with any nation with which the United States is also at war; and

(3) Such other individuals or body or class of individuals as may be citizens or subjects of any nation with which the United States is at war (other than citizens of the United States) wherever resident outside of the United States, or wherever doing business outside of the United States, who since the beginning of the war have disseminated, or shall hereafter disseminate propaganda calculated to aid the cause of any such nation in such war, or to injure the cause of the United States in such war, or who since the beginning of the war has assisted or shall hereafter assist in plotting or intrigue against the United States, or against any nation which is at war with any nation which is at war also with the United States; and

(4) Such other individuals or body or class of individuals as may be citizens or subjects of any nation with which the United States is at war wherever resident outside of the United States, or wherever doing business outside of the United States, who are or may hereafter be included in a publication issued by the War Trade Board of the United States of America, entitled “Enemy Trading List”; and the term “body or class of individuals” as herein used shall include firms and co-partnerships contained in said enemy trading list of which one or more of the members or partners shall be citizens or subjects of any nation with which the United States is at war; and

(5) Any citizen or subject of any nation with which the United States is at war wherever resident outside of the United States, who has been at any time since August 4, 1914, resident within the territory (including that occupied by the military or naval forces) of any nation with which the United States is at war,

shall all be included within the meaning of the word "enemy" for the purposes of the "Trading with the enemy Act" and of such trading; and I do hereby proclaim to all whom it may concern that every such individual or body or class of individuals herein referred to shall be and hereby is included within the meaning of the word "enemy" and shall be deemed to constitute an "enemy" for said purposes.

And by virtue of further authority vested in me by said Act entitled "An Act To define, regulate, and punish trading with the enemy, and for other purposes", approved October 6, 1917, and known as the Trading with the enemy Act, I hereby make the following order, rule and regulation.

I hereby require that, pursuant to the provisions of subsection (a) of section seven of said "Trading with the enemy Act", every corporation incorporated within the United States, and every unincorporated association, or company, or trustee, or trustees within the United States, issuing shares or certificates representing beneficial interests, shall transmit to the Alien Property Custodian a full list of every officer, director, or stockholder known to be, or whom the representative of such corporation, association, company or trustee may have reasonable cause to believe to be, included by the above proclamation within the term "enemy", together with a statement of the amount of stock or shares owned by each such officer, director, or stockholder, or in which he has any interest; and any person in the United States who holds or has or shall hold or have custody or control of money or other property, beneficial or otherwise, alone or jointly with others, of, for, by, on account of or on behalf of, or for the benefit of, and any person within the United States, who is or shall be indebted in any way to, any person included by the above proclamation within the term "enemy", or any person whom he may have reasonable cause to believe to be so included, shall report the fact to the Alien Property Custodian.

Such lists, statements and reports shall be made and transmitted to the Alien Property Custodian, in such form and under such rules and regulations as he may prescribe within thirty days after the date of this order, or within thirty days after money or other property owing or belonging to or held for, by, on account of or on behalf of, or for the benefit of any such "enemy" shall come within the custody or control of the reporter, or within thirty days after any person shall become an "enemy" by virtue of the terms of the above proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE in the District of Columbia, this 31st day of May, in the year of our Lord one thousand nine hundred and eighteen, and [SEAL] of the independence of the United States the one hundred and forty-second.

WOODROW WILSON

By the President:

ROBERT LANSING

Secretary of State.

File No. 763.72113/542

*The Assistant Secretary of State (Phillips) to the French Ambassador (Jusserand)*¹

WASHINGTON, June 27, 1918.

MY DEAR MR. AMBASSADOR: Referring to your call on June 7 with reference to the Department's note No. 2152 of May 25, I beg to advise you that no sale or other disposition of the property in this country belonging to the French resident in that part of France now occupied by the enemy is contemplated, but it will be safely held by the Government of the United States as nearly as possible in the form in which taken over for the owners against enemies and all others, to be returned to the French owners upon the loss of their enemy status, as defined in the Trading with the Enemy Act, being duly established.

I am [etc.]

WILLIAM PHILLIPS

Proclamation No. 1464, June 28, 1918, Taking over for the United States Title to and Possession of Property on the Hudson River Owned by the North German Lloyd Dock Co. and the Hamburg-American Line Terminal and Navigation Co.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the Act of Congress making appropriations to supply urgent deficiencies in appropriations for the fiscal year ending June 30, 1918, and prior fiscal years, on account of war expenses and for other purposes, approved March 28, 1918 (Public—No. 109—65th Congress), contains the following provisions:

“The President is authorized to acquire the title to the docks, piers, warehouses, wharves, and terminal equipment and facilities on the Hudson River now owned by the North German Lloyd Dock

¹ A similar letter was sent on the same date to the Belgian Minister. (File No. 763.72113/611.)

Company and the Hamburg-American Line Terminal and Navigation Company, two corporations of the State of New Jersey, if he shall deem it necessary for the national security and defense; *Provided*, That if such property can not be procured by purchase, then the President is authorized and empowered to take over for the United States the immediate possession and title thereof. If any such property shall be taken over as aforesaid, the United States shall make just compensation therefor to be determined by the President. Upon the taking over of said property by the President, as aforesaid, the title to all such property so taken over shall immediately vest in the United States: *Provided further*, That section three hundred and fifty-five of the Revised Statutes of the United States shall not apply to any expenditures herein or hereafter authorized in connection with the property acquired."

Now, THEREFORE, I, WOODROW WILSON, President of the United States of America, pursuant to the authority vested in me by the said Act of Congress approved March 28, 1918, do hereby determine and declare that the acquisition of title to the foregoing docks, piers, warehouses, wharves, and terminal equipment and facilities, is necessary for the National security and defense, and I do hereby take over for the United States of America the immediate possession and title thereof, including all leaseholds, easements, rights of way, riparian rights and other rights, estates and interests therein or appurtenant thereto.

Just compensation for the property hereby taken over will be hereafter determined and paid.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE in the District of Columbia this twenty-eighth day of June, one thousand nine hundred and eighteen, and of the [SEAL] Independence of the United States, one hundred and forty-two.

WOODROW WILSON

By the President:

ROBERT LANSING

Secretary of State.

File No. 763.72113/606

The French Ambassador (Jusserand) to the Secretary of State

[Translation]

WASHINGTON, *June 25, 1918.*

[*Received June 28.*]

MR. SECRETARY OF STATE: The Minister of France at Rio asked, jointly with his colleagues of England and Belgium, several weeks ago, the Brazilian Government to make an engagement that it would

not rescind the measures taken with regard to private enemy property, except after consultation with the Allied Powers.

The Minister of Foreign Affairs of Brazil answered that he had no objection in principle to that proposition, but especially desired to know whether the United States would be disposed to make, in so far as it is concerned, an engagement of the same nature.

I should be thankful to Your Excellency if you would kindly acquaint me with the views of the Federal Government on the subject.¹

Be pleased to accept [etc.]

JUSSERAND

File No. 763.72113/626

The French Ambassador (Jusserand) to the Secretary of State

[Translation]

WASHINGTON, July 13, 1918.

[Received July 18.]

MR. SECRETARY OF STATE: By a note dated May 25 last Your Excellency was pleased to acquaint me with the grounds upon which the Federal Government intended to authorize the Enemy Property Custodian to seize, for its protection, the property owned in the United States by Frenchmen now residing in the enemy country or in the territory occupied by the armed forces of the enemy.

Before carrying the measure into effect, however, Your Excellency expressed a wish to know whether it would meet with any objection on the part of the Government of the Republic.

My Government, to which I did not fail to refer the matter, informs me that, taking into account the fact that the property to be sequestered in the United States was that of Frenchmen residing in the country of, or occupied by, the enemy, in the interest of the said Frenchmen who, being absent, could not take proper care of their property, it had no positive objection to the contemplated measure. But it very earnestly wishes that the measure, if deemed absolutely necessary, be carried out by the Federal authorities in such a broad-minded and cautious manner as would secure the owners from any difficulty. From that standpoint it should be expressly understood, at the very least, that:

(1) The sequestration should entail no cost or expense on the owner.

(2) That the authority concerned, the Attorney General in such cases, would examine in the most benevolent spirit the ob-

¹ Note in Department file: "It was decided not to reply to this note because it was requested that if our answer was 'No' we not reply."

jections that may be offered by the owner himself, or a regularly appointed attorney, or through the French Government, and that the property taken into custody would be returned without delay or difficulty to the lawful owner as soon as he is in position to manage it directly or through an attorney in fact.

(3) That the firms or commercial houses whose owners residing in the occupied country are regularly represented in the United States would not be sequestered.

I may add that I did not fail to impart to my Government the explanations and assurances of a general order which the Honorable the Assistant Secretary of State was pleased to give me on the subject in his unofficial letter of June 27 last.

Be pleased to accept [etc.]

JUSSERAND

File No. 763.72113/618

The Assistant Secretary of State (Phillips) to the Counselor of the British Embassy (Barclay)

WASHINGTON, July 24, 1918.

DEAR MR. BARCLAY: Upon receipt of your informal note No. 745 of the 1st instant,¹ inquiring whether the Government of the United States has yet decided what policy it will adopt in regard to requests from enemy countries for information as to German estates and assets under liquidation in this country, I at once inquired into the matter and have ascertained that while, of course, some publicity is given in this country when enemy property is taken over, the amount and value thereof is never given out, and no attention has been paid to requests of enemy persons for information relative to the amount of assets in the hands of the Alien Property Custodian or the disposition thereof. This Government is in accord with that of Great Britain in deeming it inadvisable to communicate such information.

I am [etc.]

WILLIAM PHILLIPS

File No. 763.72113/649

The Belgian Minister (De Cartier) to the Secretary of State

[Translation]

WASHINGTON, July 31, 1918.

[Received August 1.]

MR. SECRETARY OF STATE: I took pains to forward to the Belgian Government the communication which Your Excellency was pleased to send me on May 25, 1918,² as to the treatment of property in the

¹ Not printed.

² See footnote 1, *ante*, p. 298.

United States belonging to Belgians residing in territory occupied by the enemy.

I also took pains to advise my Government that the Honorable the Assistant Secretary of the Department of State in his unofficial note of June 27, 1918,¹ kindly told me that it was not intended to alienate property of that character, but only to place and keep it in custody until the Belgian territory is evacuated.

My Government has just sent me its answer: It has no objection to the American authorities assuming the management of the property and interests of Belgians residing in enemy territory or in territory occupied by the enemy whenever the management of said property is not looked after by an attorney who does not reside in enemy territory or territory occupied by the enemy.

Indeed the Belgian Government believes that such a measure would be uncalled for if Belgian individuals or companies had such an attorney, for the American authorities are in position to supervise the transaction of such an attorney, and see that he complies with the requirements of the Trading with the Enemy Act.

It should be understood:

- (1) That the stewardship of the Custodian could not injure the property rights of nor entail costs upon the owners;
- (2) That the property placed under custody should be returned as soon as it can be managed by the owners or by attorneys vested with legal powers;
- (3) That when such property should be taken into custody by the American authorities notice thereof should be given to the Belgian Government.

Liquidation proceedings could only be taken with property belonging to Belgians, or residents of that part of Belgium that is occupied, when the Belgian Government should formally declare that it is unwilling to protect them.

I avail myself [etc.]

E. DE CARTIER

File No. 763.72113/632

The Secretary of State to the Russian Ambassador (Balchmeteff)

The Secretary of State presents his compliments to His Excellency, the Russian Ambassador, and referring to the memorandum² left with the Department by Baron Gunzburg, Attaché to the Russian Embassy, concerning demands made upon Russian consuls by representatives of the Alien Property Custodian, for property in their hands from the estates of deceased Russians in this country

¹ See footnote 1, *ante*, p. 302.

² Not printed.

belonging to Russian citizens residing in portions of Russia occupied by the enemy, has the honor to state that the matter was referred to the Alien Property Custodian for consideration and that the Department is now advised that while fully authorized by the Trading with the Enemy Act to take over such property, the Alien Property Custodian will issue instructions not to press demands which may have been made, and will refrain at this time from making further demands upon Russian consuls for property of this nature in their hands belonging to Russian citizens who are included in the term "enemy" only by reason of their residence in such part of Russia as may be occupied by the forces of the enemy.

The Alien Property Custodian states that the Trading with the Enemy Act requires that reports of property in the United States belonging to such persons should, nevertheless, be made to him.

WASHINGTON, *August 1, 1918.*

File No. 311.6253N811/2

The Swiss Chargé (Hübscher) to the Secretary of State

Department of
German Interests
IV-B-14

MEMORANDUM

The Chargé d'Affaires *a. i.* of Switzerland, representing German interests in the United States, presents his compliments to the Secretary of State, and, has the honor to enclose copy of a protest from the German Government, which has been forwarded to this Legation by the Swiss Foreign Office for transmission to the Government of the United States, regarding the sale of the property of the North German Lloyd and Hamburg-American Lines, and also the sale of German property to American citizens by the Alien Property Custodian.

WASHINGTON, *August 22, 1918.*

[*Received August 23.*]

[Enclosure—Translation]

The German Foreign Office to the Swiss Legation at Berlin

No. IIIa-10398-88033

NOTE VERBALE

The Foreign Office thanks the Swiss Legation for the text of the Urgent Deficiency Bill and the declaration of the Alien Property Custodian enclosed in *note verbale* No. A.V. Gen. 4/22678 of the 18th of this month.

The German Government must protest against the addendum to the Trading with the Enemy Act of October 6, 1917, in the Urgent Deficiency bill, which empowers the President of the United States to dispossess the North German Lloyd and the Hamburg-American Line of their establishments in New Jersey. The condition put upon the dispossession which is left to the discretion of the President, that it shall be necessary for the national security and defence, cannot be accepted as a valid ground for such rule, since the above-stated ground can always justify a seizure for use during the war but not a lasting acquisition of the property. Supposing it, however, to be a valid ground, it should then be held, as it is against the German companies, against all the other American and other steamship companies and enterprises established at similar places. As this is obviously not contemplated and the case is rather one of discrimination against German private property, appended to the Trading with the Enemy Act, the German Government must, in case the President of the United States exercises the power conferred upon him, see therein an attempt antagonistic to the spirit of the treaties of 1785, 1799, and 1828, and in no wise warranted, to shackle, through measures of force, the opportunities of German shipping interests to develop in the future.

When farther on the amendment to paragraph 4 of section 12 of the Trading with the Enemy Act of October 6, 1917, also contained in the above-mentioned bill, vests the Alien Property Custodian with the power of disposing of all the property in his care, money excepted, to American citizens, there lies therein another measure consciously aimed to do lasting injury to German economic existence, which is not in the least affected in its contemplated operation by the assuaging Alien Property Custodian's declaration of March 28, of this year.¹ The German Government is constrained to repeat what it said on the subject in its *note verbale* IIIa-4532 of March 10, of this year;² it again lays emphasis on the statement that it cannot but be guided in the enforcement of the retaliatory orders that have been issued against American property in Germany by the manner in which the United States of America will proceed against German property.

The Foreign Office would be thankful to the Swiss Legation if it would make the foregoing known to its Government with a request to communicate this protest of the German Government to the Government of the United States of America through the Swiss Legation at Washington.

BERLIN, *June 11, 1918.*

¹ *Ante*, p. 292.

² *Ante*, p. 296.

File No. 763.72113/670

The Secretary of State to the Alien Property Custodian (Palmer)

WASHINGTON, *September 10, 1918.*

SIR: The Department acknowledges the receipt of your letter of August 30, 1918,¹ in which you state that the question has arisen as to the present effectiveness of the treaties with Austria-Hungary and the various states composing the German Empire, "which permit subjects of those states to take or hold real property in the United States," and request that the Department indicate the attitude it is disposed to adopt in regard to these treaties.

The Department assumes that you refer to the provisions in article 2 of the convention of 1848 with Austria-Hungary:

Where, on the death of any person holding real property, or property not personal, within the territories of one party, such real property would, by the laws of the land, descend on a citizen or subject of the other were he not disqualified by the laws of the country where such real property is situated, such citizen or subject shall be allowed a term of two years to sell the same; which term may be reasonably prolonged according to circumstances; and to withdraw the proceeds thereof, without molestation, and exempt from any other charges than those which may be imposed in like cases upon the inhabitants of the country from which such proceeds may be withdrawn.

and to the somewhat similar provisions in article 14 of the convention of 1828 with Prussia, to article 2 of the convention of 1845 with Bavaria, and to similar articles in conventions with other states of the German Empire which were regarded as in force on the dates of our entrance into a state of war with Austria-Hungary and Germany, respectively.

In reply to your inquiry as to the present effectiveness of these provisions of the treaties with Austria-Hungary and the various states composing the German Empire, you are informed that in view of the present state of war between the United States and Austria-Hungary and Germany, the Department does not regard these provisions as now in operation.

In this relation it may be pointed out that in the absence of applicable treaty provisions the right of an alien to take or hold real property by descent or purchase, or otherwise, in the United States, would, it appears, depend upon the law of the state or territory in which the property may be situated.

I am [etc.]

ROBERT LANSING

¹Not printed.

File No. 763.72113/682

*The Swiss Chargé (Hübscher) to the Secretary of State*Department of German
Interests IX Prinz F

The Chargé d'Affaires *a. i.* of Switzerland, representing German interests in the United States, presents his compliments to the Secretary of State, and, has the honor to submit to His Excellency copy of a *note verbale* from the German Government dated July 14, 1918, transmitted to this Legation by the Swiss Foreign Office, regarding a statement alleged to have been made by Mr. Lee Bradley, legal advisor, of the Alien Property Custodian, to the Interstate Commerce Commission.

WASHINGTON, *September 10, 1918.*[*Received September 11.*]

[Enclosure—Translation]

*The German Foreign Office to the Swiss Legation at Berlin*IIIa-14059

105046

NOTE VERBALE

The Foreign Office has the honor to inform the Swiss Legation that it appears from a news item in the *New York Times* of the 5th of this month that Lee Bradley, legal adviser of the "Alien Property Custodian" made a statement in the Congressional Committee on Interstate Commerce as to the extremely harsh manner in which the liquidation of American and other enemy property was conducted in Germany. It was to the effect that while the property of German residents of the United States had not been interfered with in that country, all enemy property in Germany, regardless of the owner's residence, was sold at very low prices; that even personal effects were sold without notice and the proceeds were turned into the Government fund for the prosecution of the war against the United States and its allies.

The assertions are, as the Swiss Legation well knows, made of thin air and wholly unfounded. No piece of American property in Germany has yet been sold, while in the United States, on the contrary, the most marked invasion of German property rights has been already planned or begun. In the whole matter of economic warfare, Germany has heretofore always followed the example set by her enemies. The measures that have been or will be taken against American private property in Germany are therefore mere acts of reprisal for orders previously issued by the Americans. Even

in the way of reprisal, Germany, opposed on principle to warfare on private rights, has until now hesitated to follow.

These facts must be well known to an American jurist who is engaged in affairs of commercial war. If we are not dealing with malicious calumny intent on making bad blood, the case must be described as one of gross carelessness.

The Foreign Office has the honor to beg the Swiss Legation to make the foregoing known to the American Government by cable and to obtain a public statement of the condition of things.

BERLIN, *July 14, 1918.*

File No. 763.72113/679

The Ambassador in Spain (Willard) to the Secretary of State

No. 1277

SAN SEBASTIAN, *August 11, 1918.*

[*Received September 10.*]

SIR: Referring to the Department's instruction No. 786, April 18, 1918,¹ directing the Embassy to secure information in regard to property in Germany of American citizens, etc., I have the honor to enclose herewith a copy of a *note verbale* from the German Ministry of Foreign Affairs to the Spanish Ambassador in Berlin in reply to the latter's inquiry on this point.

I have [etc.]

JOSEPH E. WILLARD

[Enclosure—Translation]

The German Foreign Office to the Spanish Embassy at Berlin

IIIa.11559

109057

NOTE VERBALE

In reply to your verbal note of the 1st instant (Am. Div. No. 2985-12783) concerning the treatment of American private property in Germany, the Department of Foreign Affairs has the honor to inform you as follows:

The German decrees on the private property of citizens of the United States, that is, the proclamations of August 9, November 10, December 13, and December 31, 1917, and of January 30 and March 4, 1918 (Imp. Law Bul., 1917, pp. 707, 1047, and 1105, and 1918, pp. 5, 67, and 111), were issued solely by way of reprisal after the American Government had in advance published decrees against German private property. The Imperial Government declared sev-

¹ *Ante*, p. 294.

eral times that these decrees would not be enforced unless the American Government took measures against German property in America. The Department takes the liberty to refer in this regard to the verbal notes of March 23¹ and April 18,² Nos. IIIa-5772 and 5682.

After German property in the United States had been taken into custody by the American Government, the German Government took similar measures against the American enterprises in Germany.

Meanwhile the Imperial Department received, in reply to its inquiry regarding the treatment of German property in America addressed to the Government at Washington through the Swiss Government, the information that the "Treasury Department" had ordered the liquidation of the insurance companies and that the liquidation of German private property, especially commercial enterprises, is taking place under the direction of the "Alien Property Custodian."

Furthermore, an "Urgent Deficiency bill" was passed in America authorizing the President of the United States to expropriate the establishments of the German maritime companies, the "Norddeutscher Lloyd" and the "Hamburg-Amerika-Linie" in New Jersey near New York, and containing besides an additional note to the "Trading with the Enemy Act" which gives to the Alien Property Custodian authority to liquidate all enemy property subject to his administration. The Imperial Government protested through the Swiss Government against this mode of action and declared again that the measures which Germany would take against American private property would depend on the manner in which the United States proceeded against German private property.

Pending final information on the treatment of German private property in America, the Imperial Government has thus far abstained from liquidating American property in Germany.

As regards the question of the treatment of the property of American citizens domiciled in or outside of Germany, no difference is made in this regard in the German legislation as already explained in the verbal note of April 18, No. IIIa-5682, with the sole exception that Americans domiciled in Germany may make disposal of their property in Germany in accordance with the provisions contained in the proclamations of November 10, 1917, and October 7, 1915 (Imp. Law Bul., pp. 1050 and 633).

The Department of Foreign Affairs would be much obliged to the Royal Spanish Embassy if it would bring the foregoing to the

¹ See extract in telegram of Apr. 25 from the Minister in Switzerland, *ante*, p. 296.

² Not printed; summarized in telegram of May 13 from the Minister in Switzerland, *ante*, p. 298.

knowledge of the American Government and kindly call the attention of the latter to the fact that the Imperial Government will only be able to furnish it information concerning the treatment of American private property in Germany in proportion as it receives precise answers from the American Government to the German inquiries and protests addressed to it through the Swiss Government.

BERLIN, *July 18, 1918.*

File No. 763.72113/696

The Alien Property Custodian (Palmer) to the Secretary of State

WASHINGTON, *September 19, 1918.*

[*Received September 20.*]

My DEAR MR. SECRETARY: *In re* your file No. 763.72113/679, transmitting a communication from the German Ministry of Foreign Affairs to the Spanish Ambassador in Berlin,¹ I beg to say that all of the German decrees on the private property of citizens of the United States referred to in the verbal note attached to your communication bear date before the Congress had given the Alien Property Custodian the power to sell German-owned property in this country. While the verbal note states that these decrees were issued solely by way of reprisal, they were in fact issued before this Government had given to the Alien Property Custodian the power to sell enemy properties (except to prevent waste).

The verbal note further states that no differences were made in German legislation in regard to the treatment of property of American citizens domiciled in or outside of Germany.

In this respect the action of the German Government is very different from ours. The Trading with the Enemy Act of October 6, 1917, makes residence the sole test of enemy character and we have taken over only the property of such German subjects as are resident within enemy territory, or territory occupied by the armed forces of the enemy. We do not treat German subjects domiciled in the United States as enemies, and we do not disturb their property unless they have been interned and are under the jurisdiction of the War Department, when by presidential proclamation they come within the enemy class.

Respectfully yours,

A. MITCHELL PALMER

¹ Communication from the Secretary of State to the Alien Property Custodian not printed; communication from the German Ministry of Foreign Affairs to the Spanish Ambassador at Berlin printed *supra*.

File No. 311.6253N811/1

The Second Assistant Secretary of State (Adee) to the Swiss Chargé (Oederlin)

No. 279

WASHINGTON, September 26, 1918.

SIR: I have the honor to refer to your note of August 23, 1918,¹ in which you state that you are in receipt of a cablegram from the Swiss Foreign Office, stating that the German Government desires to know whether the press reports that the piers of the North German Lloyd and the Hamburg-American Lines, in New York City, have been sold, are correct.

A copy of your note was referred for consideration to the Alien Property Custodian, who states that the amendment to the Urgent Deficiency bill (Public 109), approved March 28, 1918, authorized the President "to acquire the title to the docks, piers, warehouses, wharves and terminal equipment and facilities on the Hudson River now owned by the North German Lloyd Dock Co. and the Hamburg-American Line Terminal and Navigation Co., two corporations of the State of New Jersey, if he shall deem it necessary for the national security and defense"; that in pursuance of this law, the President by proclamation took over the properties in question; that the Department of Justice is now examining the title thereto, and that, as soon as this work is completed, the officers of the corporation owning said properties, acting under the direction of the Alien Property Custodian, will make a conveyance of these properties to the United States.

Accept [etc.]

ALVEY A. ADEE

File No. 763.72114/4043

The Secretary of State to the Swiss Chargé (Oederlin)

The Secretary of State presents his compliments to the Chargé d'Affaires *ad interim* of Switzerland, in charge of German interests in the United States, and referring further to his memorandum of August 26, 1918 (XXVIa-145),¹ inquiring relative to the regulations adopted with reference to the forwarding of the personal belongings of interned alien enemies after their arrest to the place of internment, has the honor to state that the regulation requires that no money or other property belonging to, owing to, or held for an enemy or ally of an enemy shall be transmitted without the consent of the Alien Property Custodian.

¹ Not printed.

In the case of interned alien enemies without dependents the Alien Property Custodian makes demand for property in excess of \$500 in value, and in the case of interned alien enemies with dependents in this country, makes demand for any in excess of \$5,000. It will thus be necessary in each case where the Chargé d'Affaires is desirous of forwarding personal property to interned alien enemies to refer the matter to the Secretary of State so that the consent of the Alien Property Custodian can be first obtained. This consent, so far as the Alien Property Custodian is concerned, will ordinarily be granted where the property is less than \$500 in the case of interned alien enemies without dependents and less than \$5,000 in the case of such persons with dependents in this country.

WASHINGTON, *September 30, 1918.*

File No. 763.72113/563

The Secretary of State to the Swiss Chargé (Oederlin)

The Secretary of State presents his compliments to the Chargé d'Affaires *ad interim* of Switzerland, in charge of German interests in the United States, and, with reference to the Legation's memorandum of May 10, 1918,¹ requesting to be advised whether measures of liquidation of German property have as yet been taken and, if so, against whom, has the honor to inform the Chargé that a copy of the Legation's memorandum was referred to the competent authority of this Government for consideration and that the Department is now informed that the liquidation of German private property, particularly German commercial enterprises, is being accomplished under the direction of the Alien Property Custodian where such enterprises are conducted by partnerships of which an enemy, as defined by the "Trading with the Enemy Act," is a member; that the act of war having avoided such partnership agreements, the War Trade Board has issued licenses to such partnerships to continue in business for the purpose of liquidating out the enemy interest under the supervision and control of the Alien Property Custodian, and that, where the enemy interest is in the nature of stockholdings in American corporations, the Alien Property Custodian is taking over the stockholdings and representing the stock, and is placing directors in the companies to supervise the management and operation of such companies; but that none of these corporations are being liquidated at the present time.

WASHINGTON, *October 3, 1918.*

¹*Ante*, p. 297.

File No. 763.72114/4036

The Secretary of State to the Swiss Chargé (Oederlin)

The Secretary of State presents his compliments to the Chargé d'Affaires *ad interim* of Switzerland, in charge of German interests in the United States, and has the honor to acknowledge the receipt of his memorandum of August 21, 1918 (IX-Fort Oglethorpe),¹ inquiring on behalf of the committee of internees at the War Prison Barracks, Fort Oglethorpe, Ga., whether the exemption of \$500 which is granted the internees by the Alien Property Custodian, would be increased when their present available funds are exhausted.

In reply the Secretary of State informs the Chargé d'Affaires that it is impossible for the Alien Property Custodian to increase the amount of exemption for the reason that the Trading with the Enemy Act does not permit any such arrangement. After the property of the enemy has been delivered to the Alien Property Custodian, its distribution can, under the provisions of the act, only be effected by an act of Congress after the war, except that persons not enemies claiming an interest therein or having a claim against the same, may pursue the remedy provided by section 9 of the Trading with the Enemy Act, and with the assent of the enemy person the President may order that the whole or part of such property may be paid over to such claimant. This power the President has delegated to the Department of Justice.

Whether a claim against such a fund presented on behalf of the dependent family of an interned enemy would be held to come within the provisions referred to above and would be entertained by the Department of Justice, can be determined only when a specific claim is presented to be passed upon.

WASHINGTON, *October 9, 1918.*

File No. 763.72113/714

The Secretary of State to the Swiss Chargé (Oederlin)

The Secretary of State presents his compliments to the Chargé d'Affaires *ad interim* of Switzerland in charge of German interests in the United States, and with reference to his memorandum of September 17, 1918,¹ relative to the desire of the German Government to be furnished with information in regard to a statement concerning the sale of property in the United States belonging to alien enemies which appeared in the Parisian newspaper *Le Matin*, has

¹ Not printed.

the honor to inform the Chargé that the Department of State is advised by the Alien Property Custodian under date of the 1st instant that he has ordered the sale of 21 companies, the estimated value of which is \$7,300,000, and in which the enemy interest practically averages 100 per cent.

WASHINGTON, *October 12, 1918.*

File No. 763.72113/793

The Swiss Minister (Sulzer) to the Secretary of State

Department of German
Interests XXV-9

The Minister of Switzerland, representing German interests in the United States, presents his compliments to the Secretary of State and, referring to the Legation's memorandum dated October 18, 1918,¹ regarding a protest of the German Government against the treatment accorded German property in the Philippines, now has the honor to transmit to His Excellency a carbon copy of the *note verbale* upon which the Legation's memorandum of October 18, 1918, was based.

WASHINGTON, *November 27, 1918.*

[*Received November 29.*]

[Enclosure—Translation]

The German Foreign Office to the Swiss Legation at Berlin

No. IIIa-16302
149947

NOTE VERBALE

The Foreign Office has the honor to express to the Swiss Legation its best thanks for the despatch of May 14 of this year, from the Swiss Consul at Manila, about the liquidation of German concerns in the Philippines communicated in the Legation's *note verbale* No. A-I-3/26764 of the 3d of last month.

It appears from the Swiss Consul's despatch that the American Government as early as the spring of this year set about disposing of German concerns in the Philippines by means of forced sales. No military or state necessity calls for that sacrifice of German property. It can have but one object: wholly to drive out of the Philippines the German commerce to make it impossible for it to resume its relations after the war, and to work as lasting an injury as possible to the economic life of Germany even in peace-time.

¹ Not printed.

The American proceeding conflicts not only with the general principles of modern international law, but also with the treaties of 1799 and 1828 in force between the German Empire and the United States, which aim to protect the property of peaceable citizens even in the event of a war and spare them its burdens as far as possible.

The German Government, therefore, enters the most emphatic protest against the treatment which the American Government has accorded to private German property in the Philippines and holds it wholly responsible for all damages resulting therefrom.

The Foreign Office would be thankful to the Swiss Legation if it would kindly make the foregoing known to its Government and ask it to telegraph the protest to the Government at Washington through the Swiss Legation there.

BERLIN, *September 30, 1918.*

File No. 763.72113/822

The Alien Property Custodian (Palmer) to the Secretary of State

WASHINGTON, *January 2, 1919.*

[*Received January 4.*]

SIR: I have your letter of the 27th ultimo, signed by Mr. Phillips, Assistant Secretary, your file So 763.72113/746, enclosing protest from the German Government against the treatment which this Government is alleged to have accorded German private property in the Philippines.¹

In reply thereto I beg to say, no property belonging to German citizens in the Philippine Islands has been disposed of except where it came strictly within the provisions of the Trading with the Enemy Act. German subjects residing in the Philippine Islands, who have not been interned, will receive their property or the value thereof as soon as the same has been segregated from that of their German associates and partners residing in Germany. In cases where property has been taken, in which Germans residing in the Philippine Islands have been partners, the German partner himself has generally applied for and been given a license by the War Trade Board to liquidate the firm's interest and to turn over to the Alien Property Custodian the part or value thereof belonging to the enemy under the Trading with the Enemy Act. Several German subjects have been deported from the Philippine Islands by the Governor General, by virtue of his inherent powers, as undesirable residents.

We have treated the enemy property in the Philippine Islands in exactly the same way as the enemy property in the United States

¹ Letter of Dec. 27, 1918, not printed; for protest of German Government see enclosure to Swiss Minister's note of Nov. 27, *supra*.

has been treated; that is to say, we are administering the same, and when it seems advisable to convert the same into money by liquidation or sale, that has been done.¹

Respectfully yours,

A. MITCHELL PALMER

ENEMY INTEREST IN PATENTS, COPYRIGHTS, AND TRADE-MARKS

File No. 811.54262/78a

The Secretary of State to the Ambassador in France (Sharp) ²

[Telegram]

WASHINGTON, April 21, 1917, 5 p. m.

2193. The Department has under consideration the question as to whether it might be possible to effect an arrangement with the German Government, through appropriate channels, respecting patents, copyrights, and trade-marks, such arrangement to deal with the following matters: permission for the nationals of each country to file patent applications in the other, whatever may be their residence; the payment of fees required to preserve patent rights in Germany; regulations as to manufacturing of inventions required in some cases to preserve patent rights; the payment of royalties by the nationals of one country to the nationals of another. The Department desires that you inquire of the French Government as to whether they have made any arrangement with enemy countries with a view to securing to their nationals the right to communicate with enemy nationals and to take the proper and necessary steps in connection with transactions of this character, and as to whether permission has been granted to French citizens to take such steps. Call attention in detail to all above-mentioned matters.

Please report promptly to Department, by telegraph, any information you may be able to obtain.

LANSING

File No. 811.54262/91

The Ambassador in France (Sharp) to the Secretary of State

[Telegram]

PARIS, May 8, 1917.

[Received 7.30 p. m.]

2081. Department's 2193, April 21. French Government reports no agreement exists between France and Germany and Austria-

¹This letter appears not to have been communicated to the Swiss Minister.

²The same, *mutatis mutandis*, on the same date, to the Ambassador in Great Britain (No. 4742). (File No. 811.54262/78b.)

Hungary concerning patents and trade-marks, war having severed all relations which international unions and private conventions had established between the belligerent countries. The law of May 27, 1915 (see my despatches Nos. 5195, February 23,¹ and 5341, April 13, 1917¹) prescribes regulation to be followed in France regarding patents and trade-marks of enemy subjects. Article 6 of this law allows Frenchmen and enemy subjects to fulfill all formalities and all obligations with a view to safeguarding their industrial property rights. This article authorizes payment of royalties.

SHARP

File No. 102.62/50

The Department of State to the Swiss Legation

MEMORANDUM

The Department of State returns, herewith, the patent documents received with the memorandum of the Legation of Switzerland (X-c-19), Department of German Interests, dated May 9, 1917,¹ and states that because of the state of war existing between the United States and Germany, the Department cannot transmit to the Commissioner of Patents papers relating to the patent applications of German subjects.

WASHINGTON, May 18, 1917.

Proclamation No. 1372, May 24, 1917, Authorizing Owners of Letters Patent Granted by the German Empire to Make Payments Required for Preservation of Their Rights

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS, the laws of the German Empire provide that letters patent granted or issued to citizens of other countries shall lapse unless certain taxes, annuities or fees are paid within stated periods;

AND WHEREAS, the interests of the citizens of the United States in such letters patent are of great value, so that it is important that such payments should be made in order to preserve their rights;

NOW, THEREFORE, I, WOODROW WILSON, President of the United States of America, by virtue of the powers vested in me as such, hereby declare and proclaim that citizens of the United States owning letters patent granted or issued by the German Empire are hereby

¹Not printed.

authorized and permitted to make payment of any tax, annuity or fee which may be required by the laws of the German Empire for the preservation of their rights in such letters patent.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the city of Washington, this 24th day of May, in the year of our Lord Nineteen Hundred and Seventeen and of the
 [SEAL] Independence of the United States, the One Hundred and Forty-first.

WOODROW WILSON

By the President:

ROBERT LANSING,
Secretary of State.

File No. 811.54262/128a

*The Acting Secretary of State to the Ambassador in Great Britain
 (Page)¹*

[Telegram]

WASHINGTON, *June 16, 1917, 4 p. m.*

5009. On May 24, the President issued a proclamation permitting American citizens owning letters patent granted or issued by the German Empire to make payment of any tax, annuity, or fee which may be required by the laws of the German Empire for the preservation of their rights in such letters patent.

It is presumed that American owners of German patents will take advantage of the President's authorization by sending funds for payment of taxes to Germany through correspondents in neutral contiguous countries. Please bring the matter to the attention of the British Government and request assurances that such funds will not be detained by the censors.

POLK

File No. 811.542/76

The Attorney General (Gregory) to the Secretary of State

9-17-7-1

WASHINGTON, *July 2, 1917.*

[*Received July 5.*]

SIR: I am in receipt of your letter of June 27, 1917,² enclosing a copy of a letter from Murray & Murray, patent attorneys, with reference to the payment of fees and annuities on patents in Germany.

¹ The same, *mutatis mutandis*, on the same date, to the Ambassador in France (No. 2361).

² Not printed.

This is a matter on which I have already communicated with your Department, pointing out the necessity for some arrangement being made for the transmission of funds through the mails or otherwise.

The statement of Messrs. Murray & Murray that the Department has issued an order to banks, trust companies, etc., to refuse the sale of drafts or transmission of funds whose ultimate destination is Germany, Austria and Hungary is not strictly accurate. The Department has already authorized the United States Attorney in New York to inform parties desiring to transmit funds for the specific purpose referred to in the President's proclamation that the Department would raise no objection to such transmission.

Strictly speaking, of course, this Department has no jurisdiction at all in the matter, since, until the Trading with the Enemy bill passes, the transmission of funds is not a criminal offense.

Respectfully,

For the Attorney General,

CHARLES WARREN

Assistant Attorney General

File No. 811.54262/134

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, July 11, 1917, noon.

[Received July 11, 9.35 a. m.]

6705. Your 5009, June 16, 4 p. m. Foreign Office informs me that remittances sent to enemy countries for the preservation of patent rights are allowed to go forward to their destination according to the existing practice of the censorship and that this procedure will be followed in respect to the remittances which you mentioned.

PAGE

File No. 811.54262/137

The Ambassador in France (Sharp) to the Secretary of State

[Telegram]

PARIS, July 25, 1917, 7 p. m.

[Received July 27, 8.53 a. m.]

2326. Your 2361, June 16.¹ Have today received verbal assurances from Foreign Office that remittances for patent rights will be permitted to pass without detention by the censors.

SHARP

¹ See footnote 1, *ante*, p. 321.

File No. 763.72112/4792

The Secretary of State to Messrs. Dowell & Dowell, Washington, D.C.

WASHINGTON, *September 21, 1917.*

GENTLEMEN: In reply to your letter of September 13, 1917,¹ you are advised that up to the present time no arrangement has been devised for the transmission to Germany of patent taxes, annuities, etc., as authorized under the President's proclamation of May 24, 1917. It is considered doubtful whether such an arrangement may be placed in operation, prior to the passage of the "trading with the enemy" legislation now pending before Congress. As soon as a decision in the matter is reached, however, you will be promptly informed.

I am [etc.]

For the Secretary of State:

BRECKINRIDGE LONG
Third Assistant Secretary

File No. 811.54262/155a

The Secretary of State to the Federal Trade Commission

WASHINGTON, *October 22, 1917.*

GENTLEMEN: Because of the fact that the Executive order of October 12, 1917,² issued in connection with the "Trading with the Enemy Act," empowers the Federal Trade Commission to grant licenses for the payment of patent taxes and for the filing and prosecution of patent applications in the Central Powers, this Department deems it proper to advise you of its practice, up to the commencement of hostilities between the United States and Germany, of forwarding for American citizens, patent documents and remittances through diplomatic channels to points in the Central Powers.

Upon the entry of the United States into the war this practice was discontinued. As you are probably aware, however, on May 24, 1917, the President issued a proclamation authorizing the transmission to Germany by American citizens of funds for the payment of patent taxes, annuities, fees, etc., on American-owned patents. Subsequent to the issuance of the proclamation in order that patent attorneys in the United States could safely transmit taxes due on foreign patents through the open mail, this Department obtained assurances from the British and French Governments that such remittances would be passed by their censors. The actual forwarding of funds to points in the Central Powers for the protection of

¹ Not printed.

² *Foreign Relations*, 1917, Supplement 2, vol. II, p. 963.

American patent rights has, however, been held in abeyance pending the enactment of the "trading with the enemy" legislation.

The foregoing is communicated to you in order that the Commission may be fully informed concerning the activities of this Department in assisting American citizens in the protection of their patent rights in territory occupied by Germany and her allies.

I am [etc.]

For the Secretary of State:

WILLIAM PHILLIPS
Assistant Secretary

File No. 811.54262/152

The Ambassador in Great Britain (Page) to the Secretary of State

No. 7128

LONDON, *September 21, 1917.*

[*Received October 23.*]

SIR: With reference to the Department's telegram No. 4742 of April 21, 1917,¹ requesting information as to whether the British Government had made any arrangements with enemy countries in order to secure to British subjects the right to communicate with enemy subjects and to take the necessary steps in connection with the filing of patent applications and the payment of patent fees, I have the honor to enclose herewith a copy of a note I have received from the Foreign Office, together with its enclosures,² in reply to the enquiry I made in the premises on the 23d of April last.

For the guidance of the Department, I venture to add that the contents of Mr. Balfour's note of July 10, 1917, to which reference is made, were communicated to the Department by my telegram No. 6705 of July 11, 12 m.

I have [etc.]

(For the Ambassador)

EDWARD BELL

[Enclosure]

The British Secretary of State for Foreign Affairs (Balfour) to the American Ambassador (Page)

No. 176111/150/C

LONDON, *September 17, 1917.*

YOUR EXCELLENCY: With reference to the note which Your Excellency was good enough to address to me on April 23 last (No.

¹ See footnote 2, *ante*, p. 319.

² Enclosures not printed.

3787), requesting information as to whether His Majesty's Government had made any arrangements with enemy countries in order to secure to British subjects the right to communicate with enemy subjects and to take the necessary steps in connection with the filing of patent applications and the payment of patent fees, I have the honour to inform Your Excellency that no express arrangements have been made with enemy governments regarding these matters.

2. Applications for patents, designs and trade marks, and payments of application and renewal fees, have been accepted in this country from enemies under the conditions set out in the Patent Office notice of June 1, 1915, copies of which are enclosed.¹ Persons in this country have also been allowed to make corresponding applications and pay corresponding fees in enemy countries to the extent set out in the Board of Trade's general licence of December 7, 1915 (copies of which I also enclose)¹ and the Board's information is to the effect that such applications and fees have been accepted by the enemy governments.

3. As regards the payment of royalties by British nationals to enemy nationals, I have the honour to inform Your Excellency that no such payments are, of course, permitted during the war, but where licences have been granted by the Board of Trade under the Patents, Designs and Trade Marks (Temporary Rules) Acts, 1914, and the rules made thereunder, the royalties reserved are paid to the Public Trustee.

4. As regards the revocation of patents worked outside, I would call Your Excellency's attention to the Patents and Designs Act (Partial Suspension) Act, 1915 (5 and 6 Geo. V, ch. 85), copies of which are also enclosed.¹

5. I had the honour to inform Your Excellency in my note of July 10 last that remittances sent from America to enemy countries for the preservation of patent rights are allowed to go forward to their destination, and in this connection, I have the honour to transmit to Your Excellency herewith, copy of a general licence just issued by the Board of Trade amending their general licence of December 7, 1915, and authorising persons of British, neutral or Allied nationality in this country to pay patent fees in enemy countries on behalf of persons of British, Allied or neutral nationality in Allied countries.¹

I have [etc.]

For the Secretary of State:

VICTOR WELLESLEY

¹ Not printed.

File No. 811.54262/149

The Secretary of State to the Chargé in Spain (Wilson)

[Telegram]

WASHINGTON, November 1, 1917.

737. Paragraph (a), section 10, Trading with Enemy Act, approved October 6, 1917, provides:

An enemy, or ally of enemy, may file and prosecute in the United States an application for letters patent, or for registration of trade-mark, print, label, or copyright, and may pay any fees therefor in accordance with and as required by the provisions of existing law and fees for attorneys or agents for filing and prosecuting such applications. Any such enemy, or ally of enemy, who is unable during war, or within six months thereafter, on account of conditions arising out of war, to file any such application, or to pay any official fee, or to take any action required by law within the period prescribed by law, may be granted an extension of nine months beyond the expiration of said period, provided the nation of which the said applicant is a citizen, subject, or corporation shall extend substantially similar privileges to citizens and corporations of the United States.

It would appear from two notes dated May 5 and 6 respectively, issued by German Government and published in *La Propriété Industrielle*, May 31, that German Government held that United States after its entrance in the war no longer granted to German subjects extensions for filing patent, utility-model and trade-mark applications, and for payment of fees which would entitle American citizens to similar privileges under German law.

Submit foregoing to Foreign Office with request that it ascertain through proper channels and inform this Government whether German Government is extending or is prepared to extend to citizens of the United States privileges similar to those provided in above paragraph, law of October 6.

LANSING

File No. 811.54262/155

The Secretary of State to the Ambassador in Spain (Willard)

[Telegram]

WASHINGTON, December 22, 1917.

799. Fees being received from enemy subjects in Germany with request that they be accepted under provisions section 10, paragraph (a), Enemy Trading Act. Important therefore to have information requested Department's 737, November 1. Request Foreign Office

to renew inquiry as to whether and to what extent German Government accords American citizens and corporations: (1) privilege of filing and prosecuting applications and paying fees similar to provisions first sentence, paragraph (a), section 10; (2) extensions of time similar to those provided in second sentence, paragraph (a).

Endeavor also to obtain information as to any measures taken by Germany to protect patents, trade-mark, print, label, and copyright registrations already granted American citizens, and whether Germany is granting her subjects during the war licenses to make use of same similar to licenses authorized United States, by section 10, paragraph (c).

LANSING

File No. 841.711/2462a

The Acting Secretary of State to the Ambassador in Great Britain
(Page)¹

[Telegram]

WASHINGTON, *January 23, 1918.*

6330. Please ascertain from Foreign Office and cable Department whether communications containing patent documents and remittances of American citizens from patent attorneys in United States to patent attorneys in neutral countries for ultimate transmission to Central Powers, forwarded under license from War Trade Board and examined by United States mail censor, will be passed by British censors without further requirements. Envelopes bear War Trade Board stamp, "Licensed by War Trade Board, date blank, Bureau of Enemy Trade, by John Henry Hammond," and mail censor's stamp, "Passed by Censor No. ----."

POLK

File No. 763.72113/447

The Secretary of State to the Swiss Minister (Sulzer)

[Extract ²]

No. 129

WASHINGTON, *February 13, 1918.*

With regard to your memorandum of October 31 last,³ transmitting the inquiry of the German Government concerning patents, I have

¹ The same, *mutatis mutandis*, on the same date, to the Ambassador in France (No. 3103).

² Printed in full, *ante*, p. 285.

³ *Ante*, p. 266.

the honor to enclose for your information copy of a statement received from the Chairman of the Federal Trade Commission on November 2, with reference to the application of the Trading with the Enemy Act to the use by American citizens and corporations of patents and copyrights owned or controlled by enemies or allies of enemy.

Accept [etc.]

ROBERT LANSING

[Enclosure ¹]

*Statement by the Chairman of the Federal Trade Commission
(Harris)*

WASHINGTON, November 2, 1917.

The [Trading with the Enemy] Act provides for the issuance by the Federal Trade Commission of licenses under enemy-owned or controlled patents and copyrights. The provisions requiring reports by the licensee of the use and enjoyment of the license, and the deposit with the Alien Property Custodian of an amount not to exceed 5 per cent of the gross sums realized from the sale of the licensed subject matter, or a sum not to exceed 5 per cent of the value of its use as determined by the Federal Trade Commission, amply protect the patentee, or copyright proprietor, whose patent or copyright is licensed.

The amount so deposited becomes a trust fund for the benefit of the licensee and the foreign patentee or copyright proprietor, to be accounted for after the war.

The act further provides that the foreign plaintiff is not limited to the amount so deposited, but may recover whatever may be decreed to be just and reasonable.

The evident purpose of the statute is, therefore, not to abrogate any patents or copyrights or to permit raids upon such property. The war has prevented the exercise and importation by enemies of many useful inventions with the consequence of depriving our citizens of needed articles. This is peculiarly the case with respect to many German-owned patents covering valuable medicines and drugs. Examples such as arseno, benzene, certain hypnotics and the non-toxic substitutes for cocaine used in surgery to produce local anesthesia, will occur to anyone.

The statute secures to our people on equitable terms the use of articles of which, owing to the war, they are now deprived. Its enforcement does not involve confiscation, destruction or sequestration of property. The act merely follows the well-recognized economic

¹ Filed separately under File No. 763.72112/5371.

theory behind all patent and copyright legislation established in times of peace, that it is proper to attach to the grant of patents and copyrights the condition that, for the benefit of the public, the market be supplied at reasonable prices with the patented article or the copyrighted thing. The present statute recognizes this condition and does no more than this. It authorizes the use by American citizens and corporations under Government supervision, for the benefit of our own people, of patents and copyrights created by our own statutes which the enemy owners are now incapable of exercising, to the end that the American public may be supplied with merchandise and articles which our Government by the grant of the patent or copyright upon them has declared to be new and recognized to be useful. The statute at the same time makes provision for the compensation of the foreign patentee at the end of the war.

Very respectfully,

FEDERAL TRADE COMMISSION
WM. J. HARRIS, *Chairman*

File No. 851.711/277

The Ambassador in France (Sharp) to the Secretary of State

[Telegram]

PARIS, *February 19, 1918, 6 p. m.*

[*Received 6.11 p. m.*]

3217. Your 3103, January 23, and 3183, [February] 14.¹ Am informed by Foreign Office that as a matter of principle the French censorship permits to pass: (1) remittances for payment on patents or more generally for the maintenance of their validity; (2) documents having object of obtaining for Allies new patents in enemy countries when examination has ascertained that no injury would result thereby to national defense. Foreign Office's note follows by next pouch.

SHARP

File No. 841.711/2468

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, *February 19, 1918, 4 p. m.*

[*Received 7 p. m.*]

8730. Your 6330, January 23, and 6557, February 14.² Foreign Office informs me that instructions will be issued to postal censors

¹ For No. 3103 see footnote 1, *ante*, p. 327; No. 3183 not printed.

² Latter not printed.

that communications of nature in question should be passed and forwarded in accordance with procedure suggested in my representations. Foreign Office adds that if the documents, when passing through this country, are found to contain information which is in possession of British censors but is evidently not available to licensing authority and which necessitates further references to that authority, or if the documents contain information likely to be of naval or military value to enemy, that is, specifications of inventions for use in war, it will be presumed they have been transmitted by means of some fraudulent device, and representative in London of United States board of censorship, appointed to advise on matters of purely military character, will be consulted.

British Government presume senders will have no further access to covers in question after their contents have been supervised by United States mail censor and his stamp has been affixed. Copy of note follows in next pouch.

PAGE

Executive Order No. 2837, April 11, 1918, Revoking Power and Authority in Designated Officers under the Trading with the Enemy Act

By virtue of the power and authority vested in me by "An Act to define, regulate, and punish trading with the enemy and for other purposes," approved October 6, 1917, I hereby make the following orders and rules and regulations:

SECRETARY OF THE TREASURY

I. I hereby revoke the authority and power vested in the Secretary of the Treasury by Section XI of the Executive Order of October 12, 1917,¹ to issue licenses to send, take or transmit out of the United States any letter or other writing, book, map, plan or other paper, picture, or any telegram, cablegram, or wireless message, or other form of communication intended for or to be delivered, directly or indirectly, to an enemy or ally of enemy, in any way relating to letters patent, or registration of trade-mark, print, label, or copyright, or to any applications therefor; and no such license shall be granted until further order.

FEDERAL TRADE COMMISSION

II. I hereby revoke the power and authority vested in the Federal Trade Commission by Section XVII of the Executive Order of

¹ *Foreign Relations*, 1917, Supplement 2, vol. II, p. 963.

October 12, 1917, to issue licenses to any citizen of the United States or any corporation organized within the United States, to file or prosecute applications in the country of an enemy or ally of enemy for letters patent or for registration of trade-mark, print, label or copyright, and to pay any fees or agents' fees in connection therewith; or to pay to any enemy or ally of enemy any tax, annuity or fee in relation to patents, trade-marks, prints, labels and copyrights; and no such license shall be granted until further order.

WOODROW WILSON

THE WHITE HOUSE,
11 April, 1918.

File No. 811.54262/169

The Ambassador in Spain (Willard) to the Secretary of State

No. 1159

MADRID, April 18, 1918.

[Received May 18.]

SIR: Referring to the Embassy's despatch No. 1060, of January 15, 1918,¹ and the Department's telegram No. 950, of March 11, 1918,¹ concerning "Trading with the Enemy Act," which was transmitted to the German Government through the Spanish Embassy in Berlin, I have the honor to enclose herewith a copy of the reply received from the German Foreign Office to which a copy of the *Reichs-Gesetzblatt* No. 2, is attached.

I have [etc.]

JOSEPH E. WILLARD

[Enclosure—Translation]

The German Foreign Office to the Spanish Embassy at Berlin

No. 11M214-28947

NOTE VERBALE

The Foreign Office has the honor to forward herewith to the Royal Spanish Embassy, in reply to *note verbale* Am. Div. 232/1371 of the 14th of last month, *Reichs-Gesetzblatt* No. 2 of 1918,¹ containing three notices of the Chancellor of the Empire of the 3d of last month, viz.:

- No. 6198 concerning the extension of the period of priority in the United States of America;
- No. 6199 concerning the mitigations in the matter of the protection of industrial property rights in the United States of America;
- No. 6200 concerning the industrial property rights of citizens of the United States of America.

¹ Not printed.

The effect of the notice issued under No. 6198 is that the extension of the priority period in article 4 of the revised Paris convention for the protection of industrial property of June 2, 1911, provided for subjects of the German Empire, holds good in favor of citizens of the United States to the same extent as the American act of October 6, 1917, allows in section 10, second sentence of paragraph (a), enemies to file applications for extension of time.

Under the second notice, No. 6199, citizens of the United States enjoy, with regard to their German patents, utility models and trade-marks, the advantages that flow from the ordinance of the Bundesrat of September 10, 1914 (*Reichs-Gesetzblatt*, p. 403), and from the ordinances of March 31, 1915 (*Reichs-Gesetzblatt*, p. 212), and of April 13, 1916 (*Reichs-Gesetzblatt*, p. 278); citizens of the United States of America will also, in the matter of the mitigations introduced by reason of the war, receive the same treatment as the Germans and enjoy in Germany advantages similar to those that are set forth in section 10, paragraph (a), sentence 2 of the American act of October 6, 1917.

The right of American citizens to file applications for protection of all kinds of property, to pay dues, to appoint and remove attorneys is not affected by the war. There is no occasion or legal ground for expressly conferring that right upon them as is done in paragraph (a), sentence 1, of the above-cited section 10. They would only have lost that right if it had been taken from them by a special order. Such an order has not been issued.

Special measures for the protection of the patents, trade-marks, designs, and copyrights of citizens of the United States of America have not been adopted in the German Empire.

The question as to whether Germans may use during the war the patents, trade-marks, or copyrights of American citizens is to be answered in the affirmative after the manner of the American provisions in paragraph (c) of the above-cited section 10.

The notice issued under No. 6200 bears upon this point. No use has yet been made of the power therein granted to cancel or restrict, in the public interest, the patents, utility models, and trade-marks owned by citizens of the United States.

BERLIN, *February 25, 1918.*

File No. 811.542/102

The Secretary of State to the Ambassador in Spain (Willard)

No. 837

WASHINGTON, *July 22, 1918.*

SIR: Referring to your despatch No. 1032 dated January 1, 1918, transmitting a memorandum of December 4, 1917, from the Spanish

Embassy at Berlin,¹ regarding the inquiry made by the German Government as to whether the legalization by Spanish diplomatic or consular representatives of documents pertaining to patent applications in the United States of German subjects is considered sufficient by the Patent Office, the Department has now received a reply from the Commissioner of Patents.

The Commissioner states that section 4892 of the Revised Statutes of the United States requires that an applicant for patent shall make oath that he verily believes himself to be the original and first inventor or discoverer of the art, machine, manufacture, composition or improvement for which he solicits a patent, and that this section also provides that when the applicant resides in a foreign country the oath may be taken before any minister, chargé d'affaires, consul or commercial agent holding commission under the Government of the United States, or before any notary public, judge, or magistrate having an official seal and authorized to administer oaths, whose authority shall be proved by a certificate of a diplomatic or consular officer of the United States.

He further states that section 10(a) of the Trading with the Enemy Act of October 6, 1917, provides that an enemy or ally of an enemy may file and prosecute an application for a patent or for the registration of a trade-mark, print, or label, and therefore he requested the Attorney General to inform him whether in view of the provisions of the Trading with the Enemy Act he should consider that an applicant for a patent who was an enemy or ally of an enemy as defined in that act, had sufficiently complied with the provisions of section 4892 of the Revised Statutes of the United States when it appeared (1) that the oath which he had taken in an enemy country was administered by a Spanish diplomatic or consular officer or (2) that the authority of the officer who had administered the oath was proved by the certificate of a Spanish diplomatic or consular officer. The Attorney General replied that in neither instance had the applicant for a patent complied with the provisions of section 4892 and held that the Trading with the Enemy Act did not in any way modify the requirements of that section.

The Commissioner of Patents adds that while he has accepted applications for patent filed by German subjects in which the oaths were taken before a Spanish diplomatic or consular officer, or in which the authority of the official before whom the oath was taken was certified to by such an officer, for the purpose of examination, he has required that a new oath in conformity with the statute be filed before a patent can be issued.

You may transmit the substance of the foregoing to the Spanish Foreign Office with the request that it be transmitted to the Spanish

¹Not printed.

Embassy in Berlin in response to its memorandum of December 4, 1914 [1917].

I am [etc.]

For the Secretary of State:

ALVEY A. ADEE

**PROPERTY OF ENEMY AND "ALLY-OF-ENEMY" GOVERNMENTS
AND OFFICIALS**

File No. 763.72113/425

The Secretary of State to the Alien Property Custodian (Palmer)

WASHINGTON, December 24, 1917.

SIR: I have your letter of December 22,¹ asking whether this Department sees any impropriety in demands being made by the Alien Property Custodian for property in this country belonging to German, Austro-Hungarian, Bulgarian and Turkish consuls.

In reply I hasten to let you know that this Department deems it unwise for the Alien Property Custodian to make demands for property in this country belonging to persons who while in this country were official representatives of a foreign government.

I am [etc.]

For the Secretary of State:

WILLIAM PHILLIPS

Assistant Secretary

File No. 763.72113/469

The Secretary of State to the Alien Property Custodian (Palmer)

WASHINGTON, January 19, 1918.

SIR: The Department has received your letter of January 9,¹ asking our opinion as to the advisability of your office making demands for property in this country belonging to persons who, while not consuls or in the Diplomatic Service, were while in this country the agents or representatives of a government or ally of a government with which the United States is now at war.

The Department has given this subject very careful consideration and is of the opinion that persons whose names appeared in the *Diplomatic List* issued by the State Department at the time of the severance of relations with the enemy or ally-of-enemy govern-

¹ Not printed.

ment should be accorded the same treatment as regularly accredited diplomatic or consular officers.

I am [etc.]

For the Secretary of State:

WILLIAM PHILLIPS

Assistant Secretary

File No. 763.72113/466

The Secretary of State to the Alien Property Custodian (Palmer)

WASHINGTON, *March 26, 1918.*

SIR: I acknowledge the receipt of your letter of the 26th ultimo¹ in which you advise me of certain deposit accounts reported to you by the Riggs National Bank of Washington, D. C., held in the name of the Swedish Legation, Department of Austro-Hungarian Interests. You ask me to advise you whether there is any diplomatic reason why you should not demand that this money be paid over to you.

I am strongly of the opinion that, unless you have evidence that an improper use is being made of these funds, no attempt should be made on the part of this Government to acquire them. I believe that in this matter we should be guided by the practice of belligerents during our neutrality when we were in charge of the interests of other belligerents. While we were still neutral, the American Embassy in Berlin had on deposit in the Deutsche Bank and the Reichs Bank in Berlin, checking accounts for the British, Servian, Japanese, and Roumanian Governments. On behalf of Great Britain, the Embassy had on deposit at one time over 1,000,000 marks and also had a deposit account of about 100,000 marks in a special fund called the Sir Edward Goschen Fund. The Embassy was permitted to draw on these funds freely and there was never any question as to their use. The German Government was fully informed as to the purposes of the funds and was also informed on whose behalf they had been deposited.

Accordingly, I strongly urge, as a matter of policy and in recognition of diplomatic usages, that the funds in the Riggs National Bank of Washington, in the name of the Swedish Legation, Department of Austro-Hungarian Interests, be not disturbed, unless evidence is presented of the improper use of these funds, in which case the Department would be pleased to be informed thereof before any action is taken.

¹ Not printed. See note of Oct. 29, 1917, from the Swedish Minister, and the Secretary's reply, No. 295, *ante*, pp. 265 and 269, respectively.

In this connection, I enclose herewith a memorandum left with me under date of the 19th instant by the Swedish Minister.¹

I am [etc.]

ROBERT LANSING

File No. 123G31/110

The Minister in the Netherlands (Garrett) to the Secretary of State

[Telegram]

THE HAGUE, *March 26, 1918, 6 p. m.*

[Received 9.22 p. m.]

2207. Spanish Embassy, Berlin, states German authorities have ordered Knauer (warehouseman) to deliver to them seven boxes said to contain gold and silverware belonging to former Ambassador Gerard. Knauer has been instructed not to deliver cases without authorization of Spanish Embassy, and protest against this seizure has been sent to German Foreign Office.

GARRETT

File No. 123G31/110

The Secretary of State to the Minister in the Netherlands (Garrett)

[Telegram]

WASHINGTON, *April 1, 1918, 3 p. m.*

1074. Your telegram 2207, March 26. Request Spanish Embassy, Berlin, to protest against German authorities seizing property in storage of former Ambassador Gerard as violation of diplomatic immunity recognized by nations generally as attaching to such property. Point out that Government of the United States facilitated forwarding of personal effects of Count von Bernstorff after his departure, and inform German Government that personal effects left in United States by former German diplomatic and consular officers accredited to this country, as well as by persons whose names at time of severance of relations appeared on *Diplomatic List* issued by Department, have not been taken over by American authorities, and that Government of United States expects that German Government will similarly respect property left in Germany by former diplomatic and consular officers of United States.

Keep Department fully advised in matter.

LANSING

¹ Not printed.

File No. 763.72113/504

The Secretary of State to the Alien Property Custodian (Palmer)

WASHINGTON, April 3, 1918.

SIR: The Department has received your letter of March 30,¹ reporting certain transactions between Mr. John Simon of New York and Dr. H. Albert,² resulting in Mr. Simon's indebtedness to Doctor Albert in the sum of reichsmarks 2,760,750.76.

The Department's letter of January 19 on the subject of seizure by the Alien Property Custodian of property belonging to persons on the *Diplomatic List* had reference only to property actually belonging to those persons, and if the Alien Property Custodian is satisfied that the sum of money which Mr. Simon owes Doctor Albert is in fact the property of the German Government, this Department perceives of no reason why the Alien Property Custodian is not authorized to demand it.

I am [etc.]

For the Secretary of State:

WILLIAM PHILLIPS

Assistant Secretary

File No. 123G31/112

The Minister in the Netherlands (Garrett) to the Secretary of State

[Telegram]

THE HAGUE, April 18, 1918, 6 p. m.

[Received April 19, 2.29 a. m.]

2239. Your 1074, April 1, 1918. Spanish Embassy reports German authorities state that threat to seize Mr. Gerard's property due to misunderstanding, and that German Government is disposed to respect property of American diplomatic and consular officers in Germany on basis of reciprocity.

GARRETT

File No. 701.6211/452

The Alien Property Custodian (Palmer) to the Secretary of State

WASHINGTON, May 28, 1918.

[Received June 1.]

SIR: It has been reported to me as Alien Property Custodian that the German Government owns in the District of Columbia, 51,000 square feet of land of the approximate value of \$150,000 situated

¹ Not printed.² Former German Commercial Attaché at New York.

on the north side of S Street, between Phelps Place and 23d Street, Northwest.

It will be noticed that this property is distinct from the site of the German Legation [*Embassy*] and disconnected therewith.

I shall appreciate your consideration of this matter, in connection with the former rulings of your Department, and your advice as to whether this property is subject to a proper demand of my office.

Yours respectfully,

A. MITCHELL PALMER

File No. 763.72113/596

The Alien Property Custodian (Palmer) to the Secretary of State

WASHINGTON, June 24, 1918.

[Received June 28.]

SIR: A considerable number of reports have been made to this office by Swedish consuls in charge of Austrian interests, and Swiss consuls in charge of German interests, in respect to certain funds held by these consuls respectively. The funds to which I refer are held by the consuls as the successors to Austrian or German consuls who at the time of the break in diplomatic relations were either (1) acting as administrators of Austrian or German nationals, respectively, who had died in this country, or (2) acting as collection agents for Austrian or German subjects, resident in their respective countries, of the beneficial interest of such subjects in estates being administered in the United States.

Unless there is some diplomatic reason to the contrary, I propose to make formal demand, in the usual form, upon the Swedish and Swiss consuls in charge respectively of Austrian and German interests, for the delivery of this enemy property to me.

Respectfully,

A. MITCHELL PALMER

File No. 701.6211/452

The Secretary of State to the Alien Property Custodian (Palmer)

WASHINGTON, July 8, 1918.

SIR: Referring to your letter of May 28, 1918 (Tr. No. F-555-CB report No. 3400), relating to certain property in the District owned by the German Government, I beg to state that this Department does not consider that the property should be taken over by your office.

I am [etc.]

ROBERT LANSING

File No. 763.72113/596

The Secretary of State to the Alien Property Custodian (Palmer)

WASHINGTON, July 27, 1918.

SIR: The Department has received your letter of June 24, 1918, respecting certain funds held by Swedish consuls and Swiss consuls, in charge of Austro-Hungarian and German interests in the United States, respectively, in which you state that unless there is some diplomatic reason to the contrary you propose to make formal demand, in the usual form, upon the Swedish and Swiss consuls for the delivery to you of the enemy property in question.

In reply you are informed that this Department perceives of no reason why you should not carry out the action proposed.

I am [etc.]

For the Secretary of State:

WILLIAM PHILLIPS

Assistant Secretary

File No. 763.72113/700

The Secretary of State to the Alien Property Custodian (Palmer)

WASHINGTON, October 16, 1918.

SIR: The Department acknowledges the receipt of your letter of September 24, 1918,¹ in which you state that among the property of enemies reported to you under the provisions of the Trading with the Enemy Act, is certain property which is stated to belong to persons who it develops are the wives of persons who, while in this country, were consular representatives of an enemy government, and that where the wives are enemies you propose to require that such property shall be delivered to you under the provisions of the said act, unless there is some diplomatic reason to the contrary. You state that the property to which you refer will be divided into four classes as follows:

- (1) Household furniture.
- (2) Residences which were not used as consular offices.
- (3) Other real estate held as an investment and not used for consular purposes.
- (4) Stocks, bonds, mortgages, and other securities.

You further request me to advise you if there should be any diplomatic objection to the course of action which you propose.

In reply the Department informs you that it would appear that the property mentioned in classes (3) and (4) may properly be taken over by your office, since the private investments of diplomatic

¹Not printed.

or consular officers in the United States, or their wives, whether real or personal which could not be regarded as pertaining to them in their diplomatic or consular capacity, should not be exempt from local jurisdiction and should not enjoy diplomatic immunity which attaches to the official property or personal effects of a diplomatic or consular officer which are regarded as a means or instrumentality for exercising his official functions.

The property mentioned in class (2), however, in so far as it might consist of the residence of the consul and his family when in the United States, and certainly the household goods mentioned in class (1), if used by the consul's family when here, ought not to be taken over in view of the attitude expressed by the German Government in April last at the time of the reported seizure of Ambassador Gerard's property in Germany, to the effect that the German Government was disposed to respect the property of American diplomatic and consular officers in Germany on the basis of reciprocity. It is the Department's view that a similar attitude ought to be adopted with respect to the property of the wives of former Austro-Hungarian consuls in this country. To take over the property mentioned in classes (1) and (2) would probably result in retaliatory measures being adopted by the enemy governments.

I am [etc.]

For the Secretary of State:

WILLIAM PHILLIPS

Assistant Secretary

**ENEMY PROPERTY IN CERTAIN LATIN AMERICAN COUNTRIES:
RECOMMENDATIONS OF THE UNITED STATES**

Brazil: German Banks

File No. 763.72112/4086

The Ambassador in Brazil (Morgan) to the Secretary of State

[Telegram]

RIO DE JANEIRO, July 21, 1917, 4 p. m.

[Received July 22, 8.20 p. m.]

Referring to the Department's telegram of June 20 regarding trade with the enemy.¹ Under arrangements between Embassy and British Legation, Commercial Attaché Downs and an official of British Consulate have conferred regarding British statutory list relative to Rio de Janeiro. Examination of lists relative to other Brazilian ports under way.

¹ *Foreign Relations*, 1917, Supplement 2, vol. II, p. 882.

There are 326 banks, corporations, firms, and individuals on Brazilian list which can be separated into three general classes:

- 73
21
- (1) Those which are undoubtedly German. These number 73 in Rio de Janeiro.
 - (2) Those which serve as cloaks for German enterprises. These number 21 in Rio de Janeiro. Some of them are bogus firms.
 - (3) Firms and individuals, many of which are Brazilian, which have or have had dealings with German houses or individuals in Brazil, in certain cases only on a certain occasion. These number 12 in Rio de Janeiro.

The occasional furnishing of supplies to German cruisers and raiders off the coast is the only military service any of these three classes appear to have rendered.

The Brazilian Government will be gratified if the American Government finds it inadvisable for the present to establish a statutory list for this country, believing that the development of trade relations between the United States and Brazil will be embarrassed to the advantage of America's commercial rivals. Embassy believes that danger to be a real one.

MORGAN)

File No. 763.72112/5272

The Ambassador in Brazil (Morgan) to the Secretary of State

[Telegram]

RIO DE JANEIRO, October 27, 1917, 5 p. m.

[Received 11.45 p. m.]

Brazilian Government desires to follow precedents established by the United States regarding war measures relative to enemy's banks, banking agencies, commercial houses, and property in the United States. Information requested by telegraph.

MORGAN

File No. 763.72112/5353

The Secretary of State to the Ambassador in Brazil (Morgan)

[Telegram]

WASHINGTON, November 1, 1917, 8 p. m.

French Ambassador has informed the Department that he has received instructions from his Government to bring to the attention of United States a report that there is an active movement to send German capital to Spain from South America and particularly from Brazil. This transfer of funds is being made by intermediaries at Rio de Janeiro and at Madrid either through Allied, American,

Brazilian, or neutral banks. The National City Bank of New York is mentioned.

You are instructed to bring this matter to the attention of the Brazilian Government and express the hope that it will take steps to have Brazilian banks discontinue this practice . . . You may state that this Government is bringing matter to attention of American banks in order that such transactions may be discontinued by them.

Department desires you to take this matter up with the manager of the branch of the National City Bank.

Department informed French Minister has instructions to make representations to Brazilian Government along these lines; you may take similar but not identic action.

LANSING

File No. 763.72112/5272

The Secretary of State to the Ambassador in Brazil (Morgan)

[Telegram]

WASHINGTON, November 12, 1917, 5 p. m.

Your telegram October 27, 5 p. m. Following is a summary of pertinent portions of Trading with the Enemy Act:

Enemy or ally of enemy insurance or reinsurance companies, and every enemy or ally of enemy, doing business within the United States through an agency or branch office, or otherwise, may, within 30 days after the passage of this act, file application with the President for license to continue business. License may be granted or refused, may be temporary or otherwise, may be revoked, re-granted or renewed, and may contain such provisions and conditions regulating business, agencies, managers and trustees, and the control and disposition of funds of company, or of such enemy or ally of enemy as may be deemed necessary.

For 30 days after passage of act and pending action upon application for license filed within that time, enemy or ally-of-enemy insurance or reinsurance companies may continue to do business under provisions of the President's proclamation of April 6, 1917,¹ as modified by proclamation of July 13,² which forbids German insurance companies in United States continuing business in marine or war risk insurance either as direct insurers or reinsurers, which provisions are extended to apply to enemy or ally-of-enemy insurance or reinsurance companies. Unlawful for such companies, to whom license granted, to transmit out of United States any funds belonging to or held for benefit of such company or to use such funds as basis for establishment, directly or indirectly, of any credit within

¹Ante, p. 256.

²Ante, p. 260.

or outside of United States to, for benefit of, on behalf of, or on account of an enemy or ally of enemy. Similarly lawful for enemy or ally of enemy, other than insurance companies as above provided, pending action on application, to continue business, provided that provisions of act making it unlawful to trade with enemy or ally of enemy and providing penalties upon conviction for so doing, shall apply to any act or attempted act of transmission or transfer of money or other property out of United States and to the use or attempted use of such money or property as basis for establishment of any credit within or outside United States to, for benefit of, on behalf of, or on account of an enemy or ally of enemy.

Act provides for Alien Property Custodian, to whom every concern in United States issuing shares of stock or certificates representing beneficial interests shall report names of any officers, directors, or stockholders as it may have reason to believe are enemies or allies of enemy. Every person in the United States indebted to, or holding property, beneficial or otherwise, on behalf of enemy or ally of enemy must report same to Alien Property Custodian. The President may require such money or property owing or belonging to or held for, by, on account of, on behalf, or for the benefit of enemy or ally of enemy not holding license, to be conveyed, transferred, assigned, delivered or paid over to Alien Property Custodian.

Terms "enemy" or "ally of enemy" deemed respectively to mean government of any nation with which United States is at war or ally of such nation, or any political or municipal subdivisions, officers, officials, agents, or agencies thereof; or any individual, partnership, or other body of individuals of any nationality resident within territory of such nation or ally of such nation, or resident outside United States and doing business within such territory, and any corporation incorporated within such territory, or incorporated within any country other than United States and doing business within such territory. The President may by proclamation include within these terms such other individuals, or body or class of individuals, as may be natives, citizens, or subjects of any nation with which United States is at war or ally of such nation, other than citizens of United States, wherever resident or doing business.

LANSING

File No. 763.72112/7161

The British Ambassador (Spring Rice) to the Counselor for the Department of State (Polk)

No. 503

WASHINGTON, November 14, 1917.

[Received November 15.]

MY DEAR MR. COUNSELLOR: I beg to enclose herewith, under instructions from my Government, summary of telegraphic instruc-

tions which have been sent to the British Minister at Rio, regarding financial measures to be adopted by the Brazilian Government.¹ I have the honour to enquire whether you will be prepared to send instructions to the American Minister at Rio to support Sir A. Peel's representations.

Believe me [etc.]

CECIL SPRING RICE

[Enclosure]

Summary of Telegraphic Instructions Sent by the British Government to the British Minister in Brazil (Peel)

MEMORANDUM

When you consider that a favorable moment has come, you should inform the Brazilian authorities of the desirability of adopting the following measures connected with the financial blockade of the enemy:

1. A controller should be appointed for all German banks in Brazil, which should only be allowed to carry on business subject to license, pending their being wound up.

2. Returns should be made by all banks in Brazil of all funds and securities held by them for enemies.

3. Embargoes should be placed on all German and Austrian balances and securities held by banks in Brazil, and their transference should be prohibited, not only to Central Powers, but to neutrals.

4. All banks in Brazil should require of any customer in Brazil purchasing neutral currency of them, or ordering remittances to neutral countries, to sign a declaration that such transaction (a) is in no way connected directly or indirectly with an enemy, and (b) is not for investment or speculation purposes.

5. All banks in Brazil should be required to obtain from all banking correspondents in other South and Central American countries which are neutral undertakings similar to that required by London banks of their banking correspondents in Central America and South America. It would be better, but not necessary, that this undertaking should be also obtained of banking correspondents in neutral European countries.

6. All banks in Brazil should make a daily or weekly return of all transactions involving sale or purchase of foreign currencies or remittances abroad. Return might be divided into two, one showing neutral currencies and remittances, and the other Allied currencies and remittances.

In addition you should point out that it is highly desirable that a strict censorship of all financial cables and letters should be conducted in collaboration with the Allies. In this connection you should inform the Brazilian Government that financial traffic between banks in Brazil and neutral Europe, especially Spain, has

¹The enclosure was forwarded to the Secretary of the Treasury Nov. 23.

been large and continuous, and of great assistance to the enemy. This refers not only to direct traffic but to traffic through Brazil from other Central and South American countries.

WASHINGTON, *November 14, 1917.*

File No. 763.72112/7160

*The Ambassador in Brazil (Morgan) to the Secretary of State*¹

[Telegram]

RIO DE JANEIRO, *November 18, 1917, noon.*

[Received 5.25 p. m.]

[President of] Brazil has declared martial law in Federal District and States of São Paulo, Paraná, Santa Catharina, and Rio Grande and has approved law regulating trade and other relations with enemy within and without the Republic which is fairly satisfactory.

Since Brazil is timid about destroying entrenched German interests on account of possibility of reprisals, it will be well, however, to invite attention of Brazil's representative at coming conference of Allies to the necessity of strict enforcement of the law, since the suppression of a dozen powerful German banks and commercial houses which constitute an active German peril by exercising detrimental influence on commerce and stimulating the German loyalty of colonists in the southern States would be the most effective immediate contribution which Brazil could make to the Allied cause. The suppression of these houses would directly benefit us.

MORGAN

12
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banks
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File No. 763.72112/6708

The Secretary of the Treasury (McAdoo) to the Secretary of State

WASHINGTON, *February 1, 1918.*

[Received February 4.]

MY DEAR MR. SECRETARY: I take the liberty of referring to your letter of November 23, in which you enclose copy of a memorandum from the British Embassy embodying a summary of telegraphic instructions sent to the British Minister at Rio de Janeiro in regard to the desirability of adopting certain methods connected with the financial blockade of Germany and Austria-Hungary.² At the time when your letter was received, no steps had been taken here for the

¹ Repeated in paraphrase by the Secretary of State to the American Embassy in France for Colonel House, Nov. 24, 1917. (Same file number as above.)

² Letter not printed; enclosure printed *ante*, p. 344.

control of financial operations, and I therefore suggested that action be postponed in Brazil until we should have acted here.

The President has now signed an Executive order, dated January 26, of which I enclose herewith a copy,¹ and this order, taken together with the general provisions of the Trading with the Enemy Act appointing an Alien Property Custodian, seems to cover practically all the points which the British Government was desirous of bringing to the attention of the Brazilian Government, except subdivision (b) of paragraph 4. This, however, is not, in my judgment, an important variation.

I think it desirable, if you approve, that this Government should either join the British Government in making representations to Brazil, or else that the American Ambassador at Rio de Janeiro should of his own motion bring to the attention of the Brazilian Government the steps that have been taken by the United States for the control of credit operations within its borders.

By direction of the Secretary,
Very truly yours,

R. LEFFINGWELL

File No. 763.72113/639

The Ambassador in Brazil (Morgan) to the Secretary of State

[Telegram]

RIO DE JANEIRO, August 2, 1918, 3 p. m.

[Received August 3, 8.53 a. m.]

Minister of Finance confirmed to me today current report that Brazilian Government is taking over and liquidating the three German banks as well as the principal German houses in Brazil with capital and offices in Germany. Please telegraph résumé of manner in which German houses in the United States are treated whose capital and offices are wholly located in the United States.

MORGAN

File No. 763.72112/9770a

The Acting Secretary of State to the Ambassador in Brazil (Morgan)

[Telegram]

WASHINGTON, August 10, 1918, 5 p. m.

Department has received a memorandum from the British Embassy at Washington to the effect that the Brazilian Minister of Foreign Affairs has stated that the President of the Republic is very anxious

¹ Not printed.

before the Brazilian Government takes steps to liquidate the principal German commercial houses and banks in Brazil, to receive an assurance that the statutory list would be withdrawn if the German firms are definitely wound up. It is represented to the Department that by securing the withdrawal of the statutory list, considerable popularity would be accrued to the President of the Republic and to the Minister of Foreign Affairs.

British Government state that they are in favor of giving assurances to the Brazilian Government that the published black lists for Brazil will be withdrawn as soon as effective action has actually been taken against the most important German concerns and particularly the German banks. The British Government are prepared to give the necessary assurances to the Brazilian Government, provided (1) that the action contemplated by the Brazilian Government is part of a general policy and will include all German concerns of importance, and (2) that the action of the Brazilian Government will not cause the Associated Governments to refrain from discriminating against the less important German firms in Brazil by including such concerns in a confidential black list.

The Department has conferred with the War Trade Board and has advised the British Government that you would be instructed that in principle the Department favors the procedure above outlined, and in the event that the Government of Brazil takes effective action to eliminate German interests so as to make unnecessary the continuance of the statutory list, this Government, upon being advised of the steps taken and upon being satisfied therewith, will withdraw the published statutory list for Brazil.

You are instructed to confer with your French, British, and Italian colleagues and to unite with them in any action that you may agree upon along the lines indicated in this telegram.

POLK

File No. 763.72113/664½

The Ambassador in Brazil (Morgan) to the Secretary of State

[Telegram]

RIO DE JANEIRO, August 20, 1918, 4 p. m.

[Received August 21, 1 a. m.]

Department's August 10, 5 p. m. Colleagues and myself are preparing joint note to Brazilian Government stating that if action against most important German concerns in addition to banks is actually made effective, Allied Governments will be ready to take into favorable consideration a proposal to withdraw their black lists from operation in Brazil, under the following conditions:

- (1) That the Brazilian-Allied Governments shall agree upon a list of German concerns operating in Brazil which should be liquidated;
- (2) That the action to be taken against the German concerns, which shall be agreed upon, shall form part of a general policy in pursuance of which the Brazilian Government will extend the process of liquidation to other German businesses of importance in the country;
- (3) That it is clearly understood that the Allied Governments reserve to themselves the right of discriminating against the residue of less important German persons and firms by the refusal of export licenses and by taking customs action against German persons or concerns whose business is not liquidated whenever they consider it necessary to do so; the method adopted for this purpose will be the inclusion of such persons and firms in a list which prevents the exportation of goods to them from the Allied countries or the importation into the Allied countries of the products or goods which they wish to export.

Has the Department any instructions?

MORGAN

File No. 763.72113/660

The Secretary of State to the Ambassador in Brazil (Morgan)

[Telegram]

WASHINGTON, September 4, 1918, 3 p. m.

Your August 2, 3 p. m. Department informed Alien Property Custodian authorized to take over property in United States belonging to persons or concerns who by reason of residence in or doing business in enemy territory, or otherwise, are enemies under Enemy Trading Act or proclamation issued in pursuance of section 2(c) thereof. Such property taken over, if going concern, is managed by him until appropriate time to sell or liquidate.

Corporations incorporated in United States with stock wholly or partially owned or controlled by enemies are not taken over directly. Alien Property Custodian authorized to require such stock delivered and transferred to him. Stock certificates, if within United States, are surrendered, and new certificates issued to him; if not in United States, corporation required to transfer to him on its books all rights, title, and interest of enemies registered as stockholders. Directors then elected in proportion to amount of enemy stock taken over, Custodian thereby securing through them actual control of corporation. This stock may be sold or, if sufficient stock thus controlled, sale of corporate assets by corporation may be had.

Above applies only to property owned by enemies as defined by act or proclamations. Germans or Austro-Hungarians are not, merely by reason of their nationality, included in term enemy.

LANSING

File No. 763.72112/10101

The Ambassador in Brazil (Morgan) to the Secretary of State

[Telegram]

RIO DE JANEIRO, *September 12, 1918, 2 p. m.*

[Received September 13, 4.58 p. m.]

Referring to condition mentioned in Embassy's confidential telegram to Department, August 20, 4 p. m., at the urgent request of French Minister, Italian and British colleagues are willing, in the joint note to the Brazilian Government, after the words "less important German persons and firms," to add the words "and firms now included in the enemy trading lists." See British Minister's telegram of today's date to British Foreign Office.

This addition will probably jeopardize acceptance of the proposition by Brazilian Government which in return for liquidating principal German houses will expect that Brazilian concerns on enemy trading lists shall cease to be penalized for past offenses. Should prefer that confidential list should contain only those Brazilian concerns which have undoubted enemy connections, and all those should be removed which have been guilty of a few instances of enemy trading, often due to ignorance or carelessness. Old offenders should be forgiven but shall be watched for new offenses in which case they should be placed on confidential list.

Since present Administration will probably not act on joint note before it leaves office on November 15, would it not be better to withhold note until new administration comes in, meantime discussing the matter with Da Gama in his character as future Foreign Minister?

MORGAN

File No. 763.72112/10146

The Ambassador in Brazil (Morgan) to the Secretary of State

[Telegram]

RIO DE JANEIRO, *September 17, 1918, 2 p. m.*

[Received 6.45 p. m.]

British and French Ministers have sent [*drafted?*] joint note to Foreign Office which British Minister has prepared regarding abolition of black list in Brazil. Note contains following statement:

The representatives of the United States of America, Italy, Great Britain, and France are therefore authorized by their respective Governments to state so much importance is attached to action against the most important German concerns in addition to banks that if such action is actually made effective their respective Governments would be ready to take into favorable consideration the declaration contained in Your Excellency's note addressed to the representatives of the Allies, dated the 30th November 1917, and withdraw the statutory list, provided:

(1) That the Brazilian and Allied Governments shall agree upon a list of German concerns operating in Brazil which should be liquidated.

(2) That the action to be taken against the German concerns which shall be agreed upon shall form part of a general policy in pursuance of which the Brazilian Government will extend the process of liquidation to other German businesses of importance in the country, which in the meantime will be subject to all the actual disabilities of enemy firms.

(3) That it is clearly understood that the Allied Governments reserve to themselves the right of discriminating against the residue of less important German persons and firms and firms now included in the Allied enemy trading lists, by the refusal of export licenses and by taking customs action against such persons or concerns whose business is not liquidated, whenever they consider it necessary to do so; the method adopted for this purpose will be the inclusion of such persons and firms in a list which prevents the exportation of goods to them from the Allied countries or the importation into the Allied countries of the products or goods which they wish to export.

Italian colleague and myself believe that we should be instructed not to sign until Brazil has broken diplomatic relations with Austria and for the reasons stated in my telegram of September 12, 2 p. m.

MORGAN

File No. 763.72112/10146

The Secretary of State to the Ambassador in Brazil (Morgan)

[Telegram]

WASHINGTON, September 27, 1918, 3 p. m.

First sentence of your September 17, 2 p. m., ambiguous. Department presumes, however, that you do not mean that your British and French colleagues have taken independent action by submitting to the Brazilian Government a joint note purporting to set forth what you have been authorized by your Government to do. If Department is mistaken in this view, please cable immediately.

With a view to including, in any arrangement effected, the question of withdrawing black list, liquidation of enemy property and

partial lifting of embargo and settlement of important financial questions, including whatever measures may be decided upon to relieve hardship facing coffee exporters, Department instructs you to withhold note and to take no action until further instructions. Advise your Allied colleagues, however, that Department approves in principle procedure set forth in Department's August 10, 5 p. m., but insists upon postponing action pending result of conference here with Ambassador da Gama. Views of Department in this respect have been fully expressed to British and French representatives in Washington. French concur with our view. British would prefer to proceed at once with liquidation plan, but Department feels confident they will respond to our wishes in this matter.

LANSING

File No. 763.72113/758

The Secretary of the Treasury (McAdoo) to the Secretary of State

WASHINGTON, October 9, 1918.

DEAR MR. SECRETARY: At the meeting held at the State Department on October 7 for the discussion of Brazilian matters, Sir Richard Crawford¹ handed to the representative of this Department an undated copy of a telegram from the Foreign Office, London, dealing with the Brazilian situation, and more particularly with the plan for taking over the German banks in Brazil. A copy was at the same time handed to Mr. Auchincloss² by Sir Richard.

The telegram states that the British Government is planning to have a meeting next (this?) week with a financial group in London and if that group entertains the proposals, the Foreign Office is planning to have the group proceed as soon as possible to negotiate with American financiers.

This Department has not come to a definite conclusion as to the method in which the American share of such German-owned banks in Brazil should be taken over, but inclines strongly to the opinion that the most feasible way to handle the matter will be to secure from Congress an amendment to the War Finance Corporation Act so as to permit that Corporation to take over, at least for the present, the American share of the interest to be acquired in such banks. Whatever may be the method this Department ultimately decides upon for handling this matter, it is very undesirable to have a group of British banks undertake the formation of a Brazilian bank in which they would ask American financiers to co-operate and also

¹ Commercial Commissioner of the British Embassy at Washington.

² Gordon Auchincloss, assistant to the Counselor for the Department of State.

undesirable to have British banks undertake negotiations in respect thereof with banks in this country.

In my opinion the matter should be arranged between the Governments interested who can each in turn secure the co-operation of such banks or other instrumentalities in their own country as they may respectively select. I think it desirable (subject to your approval) that this view be promptly communicated to the British Government so that our attitude may be made known before any steps are taken along the lines indicated in the telegram above referred to.

Cordially yours,

W. G. McADOO

File No. 763.72113/758

*The Acting Secretary of State to the Secretary of the Treasury
(McAdoo)*

WASHINGTON, October 11, 1918.

MY DEAR MR. SECRETARY: I acknowledge the receipt of your letter of the 9th instant concerning the British Government's plan for the taking over and liquidation of German banks in Brazil.

I have made it very clear to the British Embassy that this Government believes it to be undesirable to arrange this matter other than by negotiations between the Governments interested. Sir Richard Crawford has advised me that he has cabled his Government your views to the effect that the group of British banks, referred to in a telegram handed to a representative of your Department by Sir Richard Crawford, should be told not to proceed further in this matter until a full agreement is reached with this Government.

Faithfully yours,

FRANK L. POLK

File No. 763.72113/741½

The Ambassador in Brazil (Morgan) to the Secretary of State

[Telegram]

RIO DE JANEIRO, October 17, 1918, 1 p. m.

[Received October 18, 12.33 a. m.]

At yesterday's Cabinet meeting, an Executive decree was signed canceling the right of the Deutsch-Südamerikanische Bank and the Deutsche Ueberseeische Bank, their branches and agencies, to operate in Brazil.

A short time ago the third German bank, the Brasilische Bank for Deutschland, was denied permission to extend the period during which it could operate in Brazil.

MORGAN

File No. 763.72113/757A

Memorandum Presented October 23, 1918, by the Representatives of Great Britain, France, Italy, and the United States¹ to the Brazilian Chargé (De Ipanema Moreira)

With reference to the desire which the Government of Brazil has expressed to the effect that she wished to cooperate more closely with the Allied Powers and the United States of America in the prosecution of the war against the Central Powers, and with further reference to the proposal which was made to that Government by the Governments of Great Britain, Italy, France and the United States, in order to meet Brazil's above-mentioned desires, namely: that a conference would be called in Washington of their representatives to discuss with the Brazilian Ambassador the adoption of a plan so that Brazil might utilize her resources in the most effective manner in the prosecution of the war, it is now desired to inform the Government of Brazil that conferences have been held with the above-mentioned purposes in view and that the following is the consensus of opinion of the Governments of Great Britain, Italy, France and the United States:

1. That the above-mentioned Governments pending further consideration of the financial assistance which they may be able to afford Brazil either by direct loans, or by advances in respect of possible purchases of Brazilian commodities consider it desirable to impress upon the Government of Brazil the importance of taking immediate steps for the liquidation of enemy banks and other enemy concerns in Brazil.

2. For this reason it is the opinion of the Governments of Great Britain, France, Italy and the United States that the Brazilian Government should at once announce publicly its position with regard to the three German banks and all other important enemy concerns in Brazil, and should give formal assurances that these enemy interests shall be promptly and effectively liquidated, in which case the Allied Governments and that of the United States are prepared to associate themselves with Brazil in the taking over of these enemy interests and for their replacement by Brazilian and Allied organizations which will continue to afford the same support to the economic life of Brazil as that hitherto furnished by such enemy institutions. Furthermore, the Allied Governments and the Government of the United States will be prepared to give formal assurance to the Government of Brazil that at such a time as it shall be able to complete the liquidation of the above-mentioned enemy interests, or their taking over, they will be prepared to withdraw published enemy trading lists for Brazil, it being understood that

¹A note attached to the memorandum of Nov. 2, *post*, p. 355, shows that these representatives were the following: representatives of the United States—L. S. Rowe, of the Treasury Department, Paul Fuller, Jr., of the War Trade Board, J. H. Stabler, of the Department of State; representative of Great Britain—Sir Richard Crawford; representative of France—Major Grimprel; representative of Italy—G. B. Ceccato.

as a war measure it is to the interest of the Governments concerned that during the period of liquidation and taking over the trading lists should continue to remain in force as a notice to the public.

3. The Associated Governments feel that they may properly ask Brazil to take such action without delay as part of the policy which Brazil might be expected to pursue as an Allied co-belligerent. They feel furthermore that unless such action is effectively taken there is no assurance that such assistance as may be afforded by them by the purchase of commodities or otherwise will not indirectly benefit the enemy interests. As soon, therefore, as the Government of Brazil has definitely assured the Allied Governments and publicly announced such policy and procedure with regard to the liquidation of enemy interests in Brazil, and the taking over of the three German banks as hereinbefore outlined, the Allied Governments are prepared to submit to the Brazilian Government further proposals.

File No. 763.72113/767

The Brazilian Chargé (De Ipanema Moreira) to the Secretary of State

[Translation]

WASHINGTON, October 31, 1918.

MR. SECRETARY OF STATE: By order of my Government I have the honor to submit to Your Excellency's due attention the following telegram just received by me from the Minister of Foreign Relations in reply to that which I sent on the 23d of this month transmitting the memorandum presented on that date by the representatives of the United States, England, France, and Italy at the conference held here on the subject of the cooperation of Brazil in the prosecution of the war:

I have, as was my duty, laid before the President of the Republic the declarations just sent us by the Allied nations through the United States making the suppression of the black lists and any assistance that might be extended to Brazil in the way of direct loans or advanced payment for purchases conditional upon the immediate liquidation of enemy banks and concerns.

The Federal Government is surprised at the terms of that notification and begs leave to answer that self-interest never guided its policy and that it entered the war of its own free will, with its own resources, at a doubtful moment for the Allied arms, owing to the defection of Russia and the severe ordeals experienced on the Italian front.

The Federal Government further begs leave to remark that as early as June 7 it decided of its own accord to liquidate the enemy banks and concerns with parent firms in Germany. The Minister of Foreign Relations declared on that day that we were not deprived of definite authority for such action by the fact that, as distinguished from powers which, under the pressure of extraordinary circumstances and in accordance with their laws, had, in this war, gone so

far as to take confiscatory measures, Brazil, true to her constitution and the liberal spirit of her laws, had always made it a point of honor to enforce respect for foreign enemy property and domestic business. She could not, on that account, allow herself to compromise with actions that would change her status as a belligerent, such as tolerating, on the one hand, that enemy concerns should operate here and draw from this country profits with which to carry on the war, or, on the other, that nations with which we are associated should continue to maintain in Brazil, because of our inaction, the black lists or other methods of control or prohibition which appertain to her strict sovereignty. Thus it was that the Government of Brazil, from the beginning of its belligerency, prohibited the foreign commerce of German firms, notified the ocean steamship companies not to give them space on their ships and the custom houses to hold merchandise imported on neutral vessels; thus it was also that, after canceling all the contracts of Germans with the public authorities of the Union and of the States, from the contract with the Krupp firm for army supplies down to the railway concessions and surveys, the Government decided to revoke the German banks' license to do business, finally granting them a period of six months in which to liquidate.

Brazil continues to carry out the policy that she has followed, but on her own initiative, of her own free will, within the limits of her voluntary engagements as an Ally, without laying any claim whatsoever to the compensations that she may have earned for her attitude, and affirming once more, in this frank and friendly exposition, the solidarity of her policy and arms with the common cause of the independence of the nations. Nilo Pecanha.

I have [etc.]

A. DE IPANEMA MOREIRA

File No. 763.72113/767

Memorandum Presented November 2, 1918, by the Representatives of Great Britain, France, Italy, and the United States to the Brazilian Chargé (De Ipanema Moreira)

The Governments of Great Britain, France, Italy and the United States fear that the reply of the Brazilian Government, presented by the Brazilian Embassy to the Department of State on October 31, 1918, is based on an entire misconception of the letter and spirit of the memorandum submitted on October 23, 1918, to the Brazilian Ambassador [*Chargé*] at Washington for transmission to his Government.

In that memorandum there was no suggestion that the Brazilian Government should confiscate enemy property, but there was a recommendation that steps should be taken by the Brazilian authorities for the liquidation of enemy banks and other concerns, and for their replacement by Brazilian or Brazilian and Allied organizations. This recommendation was submitted in order that it might be possible for the Associated Governments to withdraw their black lists for Brazil, so that their subjects might resume trading transactions

with Brazil without fear of infringing the laws of the respective Associated Governments as to enemy trading; and furthermore, that the Associated Governments themselves might proceed to offer financial assistance to Brazil by way of advances or otherwise with the conviction that in so doing they would not be indirectly benefiting important non-liquidated German interests.

In proposing the plan outlined in the memorandum of October 23, the Associated Governments also had in mind the importance of assuring Brazil that her economic life need not suffer by reason of the liquidation of the enemy owned banks and other enemy owned concerns. For this reason they declared themselves ready to cooperate financially with Brazil, in order that there should be an immediate and adequate substitute for the financial and commercial services of the liquidated institutions and concerns.

The Associated Governments learn for the first time that the Brazilian Government had on June 7 taken steps under decree of November 16, 1917, for the compulsory liquidation of the three German banks and other concerns operating in Brazil, and for their replacement by Brazilian institutions. They would be glad if they might be furnished with the date of the official public announcement of such compulsory liquidation, and with the terms thereof, and they would likewise be pleased to learn whether similar action has been taken in the case of other enemy concerns, such, for example, as the firm of Theodor Wille.

File No. 763.72113/791½

The Brazilian Chargé (De Ipanema Moreira) to the Secretary of State

[Translation]

WASHINGTON, November 9, 1918.

MR. SECRETARY OF STATE: Having telegraphed my Government, on the 2d instant, conveying the sense of the memorandum which was communicated to me on that date by the representatives of the United States, Great Britain, France, and Italy at the conference held here to consider Brazil's cooperation in the war, I have to bring to Your Excellency's knowledge that I have just received in reply the telegram transcribed below:

The Federal Government, after giving due consideration to the reply of the Allied nations, understands that those nations did not have a knowledge of the economic means for reprisal and defense which Brazil has taken against the common enemy. Referring here only to the principal measures, we cite the following: In November, 1917, the Minister of Finance sent instructions to the customs houses prohibiting commercial relations (importation and exportation) between citizens of Brazil or foreigners resident therein and

enemy subjects resident in countries other than Brazil. Also in November, 1917, by decree No. 12709, the Government instituted the taking over of the German banks, including affiliated banks, branches, or agencies in all the Republic. The instructions which were sent by the Minister of Finance for the execution of this decree invested the fiscal officers with true functions of directors of these banks. In November, 1917, by decree No. 12710, the Government of Brazil established the special and permanent taking over of insurance companies which have head offices in Germany. Also in November, 1917, the Minister of Finance organized the taking over of all enemy companies, considering as such all those more than one-half of whose capital belongs to German subjects. In the Federal Capital the taking over was entrusted to a central bureau, and in the different States to fiscal delegates of the Treasury. Also in November, 1917, the Minister of Finance instituted the taking over *a posteriori* of operations of international exchange with special reference to the movement of funds which might give aid to the enemy. On the 9th of July, 1918, by decree No. 13110, the taking over *a priori* of transactions of international exchange was instituted. On the 4th of January, 1918, in accordance with the law of the 16th of November, 1916, the Government declared void the contracts which were concluded between the Ministry of War and the firm of Krupp, of Essen, represented in Brazil by Haupt & Co. On the 6th of March, 1918, by decree No. 12907, the Federal Government canceled the contract for the building of the Santa Catharina Railroad, which had been made with the German company. On the 6th of September, 1918, by Decree No. 13177, the Federal Government canceled the authorization for the establishment of a German submarine cable at Pernambuco. Finally on the 16th of October last, decree No. 13235 was issued canceling authorization for all the German banks to do business in Brazil and giving to them a period of six months to finish their liquidation.

The Federal Government begs leave to advance the consideration that, both on account of the institution of these measures and on account of the loyalty with which they have been executed, it is not to be understood why the black lists for Brazil should be kept in force; besides being of no necessity today they have caused a feeling of antipathy to the policy of commercial penetration and expansion of the Allies in Brazil—a policy which interests us so much that we desire to see it prosper and increase. Nilo Peçanha.

I have [etc.]

A. DE IPANEMA MOREIRA

Cuba

File No. 763.72112/5776

The Secretary of State to the Minister in Cuba (Gonzales)

[Telegram]

WASHINGTON, December 28, 1917, 5 p. m.

Your December 6, 12 noon.¹ Department has given careful consideration to question of Upmann's bank and feels that it can do no

¹ Not printed.

better than to recommend to Government of Cuba course of action prescribed by the recent war legislation of the United States.

As Department understands no legislation has been passed by Cuba providing for trading with the enemy, custodian of alien property, etc., it would seem advisable to recommend that this be done in near future, following United States law, a copy of which is being forwarded to you by mail.

This legislation, if put into effect in Cuba, might cover case of Upmann's bank.

LANSING

File No. 837.2222/5

The Minister in Cuba (Gonzales) to the Secretary of State

[Telegram]

HABANA, July 13, 1918, 1 p. m.

[Received 4.37 p. m.]

The bill giving President powers somewhat similar to those delegated in our Trading with Enemy Act has passed both Houses, being forced through by Executive against consistent Liberal opposition. Obligatory military service act also passed both Houses, but amendments are to be considered. The Liberals contested every step.

GONZALES

File No. 837.2222/5

The Acting Secretary of State to the Minister in Cuba (Gonzales)

[Telegram]

WASHINGTON, July 23, 1918, 6 p. m.

Your July 13, 1 p. m. It is deemed highly advisable that the legislation similar to American Trading with Enemy Act should contain in it provisions: (1) that the transfer of physical assets of German properties to non-enemies be free from all enemy interests of any character and from all obligations or contracts to enemies; (2) that the proceeds of the sale of these physical assets of the German properties be held until the termination of the war, at which time their ultimate disposition shall then be determined upon.

POLK

File No. 837.2222/9

The Minister in Cuba (Gonzales) to the Secretary of State

No. 735

HABANA, August 6, 1918.

[Received August 13.]

SIR: Referring to the Department's telegraphic instruction of July 23, 6 p. m., suggesting that two provisions regarding the trans-

fer and disposal of physical assets of German properties be included in the proposed Cuban espionage law, I have the honor to report that the bill was passed on the 23d ultimo, without these clauses having been embodied in it. A copy and translation of the law is enclosed, herewith.¹ Among other things it provides for the arrest, search and internment or imprisonment of subjects of the enemy, or of an ally of the enemy. The Administration is given authority to compel enemy subjects to register, under penalty of imprisonment for the duration of the war.

The President, however, is empowered by the provisions of article 8 to proceed, with the advice of the Cabinet, "to issue adequate rules for the regulation, classification, determination and prosecution of commerce with the enemy." This, the President told me in conversation, will be done, and special care taken to incorporate in the regulations so drawn up the points mentioned in the Department's telegram.²

I have [etc.]

WILLIAM E. GONZALES

File No. 763.72113/692

The Minister in Cuba (Gonzales) to the Secretary of State

[Telegram]

HABANA, *September 20, 1918, 11 a. m.*

[*Received 2.45 p. m.*]

Doctor Sánchez de Bustamante, the eminent lawyer, has taken charge of office as custodian of enemy property.

GONZALES

Dominican Republic and Haiti

File No. 763.72112/5900

The Secretary of State to the Secretary of the Navy (Daniels)

WASHINGTON, *April 5, 1918.*

SIR: I have the honor to acknowledge the receipt of your letter of December 13, 1917,¹ enclosing a copy of a despatch from the Head of the Military Government of Santo Domingo in which he states that it is his purpose to issue, if approved by the Navy Department and the State Department, an Executive order in the following terms:

¹ Not printed.

² Art. 6 of Decree No. 1510 of the Cuban President dated Sept. 13, 1918, provided: "Whenever the arrest of an enemy alien or his agent is ordered, according to the provisions of the aforementioned laws, the Executive Power shall decree the care and custody of the property of such person, in the form, and by the officials that will shortly be named for that purpose." (File No. 837.222/11.)

Citizens, firms or corporations of the United States of America residing or doing business in Santo Domingo, West Indies, having contracts with persons, firms or corporations of enemy character as defined in the Trading with the Enemy Act, shall be absolved from any action for damage in the courts of Santo Domingo, West Indies, resulting from a suspension or breaking of such contracts by such citizens, firms or corporations of the United States in pursuance of their duty in observing the terms of the aforesaid Trading with the Enemy Act.

The Head of the Military Government suggests that authority be given him to issue temporary licenses that will permit Americans in business in Santo Domingo to readjust the engagements they now have with the enemy or to enable them to continue contracts with the proviso that no funds pass into enemy hands during the war, and inquires whether the Alien Property Custodian will have an agent in Santo Domingo.

I am also in receipt of a paraphrase of a despatch of December 19, 1917,¹ from the Head of the Military Government, in which he requests that the International Banking Corp. be made an agent of the Alien Property Custodian in Santo Domingo.

The inquiries from the Head of the Military Government, with reference to the appointment of an agent in Santo Domingo for the Alien Property Custodian, appear to involve the question as to whether or not, in view of the occupation of the Republic by the forces of the United States, it is to be considered a part of the "United States" as those words are used in the Trading with the Enemy Act so as to extend to that country the application of the act.

In reply I have the honor to state that, bearing in mind the nature and purposes of the act and the circumstances surrounding the occupation of the Republic of Santo Domingo, it would appear that the words "United States" as used in the act, were not intended to include the Republic of Santo Domingo and that it was not contemplated that the provisions of the act should apply to that country. The Department has consulted the officers vested with the administration of the Trading with the Enemy Act, including the Alien Property Custodian, and they agree that the act need not be interpreted as applicable to the Republic of Santo Domingo.

In this relation, however, it would appear that the Head of the Military Government could issue such orders as may be necessary or appropriate to obtain the objects of the Trading with the Enemy Act in a manner suitable to the peculiar conditions prevailing in that country.

With reference to the suggestion of the Head of the Military Government that authority be given him to issue temporary licenses to Americans in business in Santo Domingo to readjust the arrange-

¹ Not printed.

ments they now have with enemies, attention is called to the fact that the Enemy Trading Act forbids persons in the United States to "trade" not only with enemies as defined in section 2 of that act but also under section 3(a) with any other person, with knowledge or reasonable cause to believe that such person is conducting or taking part in such trade, directly or indirectly, for, on account of, or on behalf of, or for the benefit of enemies.

This prohibition would appear to apply to American houses or corporations trading through their branches in foreign countries. Although the act does not make it unlawful for individual Americans (not agencies or branches) abroad to trade with the enemy, it is possible that the nature of such trade might place such Americans in the position of trading for, with, or on behalf of the enemy and therefore in the class of persons under section 3(a) with whom it is prohibited to trade. It would seem, therefore, that if the Head of the Military Government should grant licenses to any person to trade with the enemy or another who is trading with an enemy, such license would not prevent that person if the circumstances warranted from falling within the class of persons under section 3(a) with whom persons in the United States are prohibited to trade.

In view of this, it would seem that the Head of the Military Government should not issue any such licenses to persons in Santo Domingo until some arrangement has been made with the War Trade Board as to the effect of the licenses of the Military Government.

In so far as branches in Santo Domingo of American houses or corporations may desire license to trade with the enemy, applications may be made to the War Trade Board through their offices in the United States. Consequently, the arrangement with the War Trade Board would need to deal only with other persons in Santo Domingo who desire to trade with the enemy and who do not wish thereby to incur the difficulties of the prohibition of section 3 (a) of the Trading with the Enemy Act.

I am enclosing, for the information of the Head of the Military Government, copies of two orders recently issued by the War Trade Board concerning branches of American houses and corporations in foreign countries.¹

I have [etc.]

[ROBERT LANSING]

File No. 600.119/1034

The Acting Secretary of State to the Secretary of the Navy (Daniels)

WASHINGTON, August 3, 1918.

SIR: I have the honor to acknowledge the receipt of your letter of the 19th instant,¹ enclosing a letter from Rear Admiral Knapp²

¹ Not printed.

² Military Governor of Santo Domingo.

regarding the policy of the War Trade Board as to the status of Haiti and the Dominican Republic regarding imports and exports. You state that your Department is strongly of the opinion that these Republics should be placed on the same trade status as insular possessions of the United States.

In reply, I have the honor to say that this question is one which has been carefully considered by this Department, and while it is of the opinion that these Republics should not be considered as having a status similar to that of the insular possessions of the United States in so far as the Trading with the Enemy Act is concerned, it entirely concurs in the opinion of your Department as to the importance of giving special treatment to Haiti and the Dominican Republic in regard to their exports and imports whenever such treatment is possible.

I have [etc.]

FRANK L. POLK

File No. 763.72112/9761a

*The Acting Secretary of State to the Minister in Haiti
(Bailly-Blanchard)*

[Telegram]

WASHINGTON, August 3, 1918, 7 p. m.

Department is informed that an intercepted letter from a merchant in Port au Prince, dated May 29, states that German firms are paying prohibitive prices for cotton, coffee, cocoa, and other products, storing these commodities while awaiting an opportunity to ship same. The letter adds that the Germans have plenty of funds and are not afraid of being compelled to wait until the end of the war.

You are instructed to bring this matter to the attention of Brigade Commander, Chief of Gendarmerie, and General Receiver of Customs. Confer with them regarding best method of procedure to eliminate action being taken by Germans as outlined above, if the conference believes the report, and cable result of conference.

In above connection would you consider it advisable that the British and French diplomatic representatives should be asked to cooperate, or should simply be informed of the action to be taken and requested to assist with whatever information they might have or acquire?

POLK

File No. 763.72112/9762

The Minister in Haiti (Bailly-Blanchard) to the Secretary of State

[Telegram]

PORT AU PRINCE, August 7, 1918, 3 p. m.

[Received August 11, 3.03 p. m.]

Department's confidential August 3, 7 p. m. Result of conference held this morning is that all German firms in Haiti are now being, or

will be, sequestered. Pursuant to presidential decree of July 24 as to sequestration, forwarded in my No. 252 of July 27,¹ Maumus, receiver several [*general*], and Scarpa, director of the bank, were appointed sequestrators by the Minister of Justice.

BLANCHARD

Ecuador: German Cacao Plantations

File No. 763.72112/10826

The Ecuadorian Minister (Elizalde) to the Secretary of State

[Translation]

No. 22

WASHINGTON, *October 29, 1918.*

[*Received October 30.*]

MR. SECRETARY OF STATE: I have the honor to call the attention of the Secretary of State to the following:

Many years ago there were organized in Hamburg three joint stock companies, named "Plantagengesellschaft Clementina," "Deutsche Ecuador Cacao Plantagen und Export Gesellschaft," "Cacao Plantagengesellschaft Puga."

These companies gave employment to farm hands, laborers, etc., about 4,000 persons, all Ecuadorians, and the cacao grown by them ranks among the best of the country. The heirs of Durán, Seminario, and Puga, who are the original owners of the respective plantations, have had their property thrown back upon them, so to speak, and in return do not now collect a cent, inasmuch as the Germans say that they have no orders to effect the payment of the shares owing to them, and also on account of there being no purchaser for the cacao grown on those estates for fear of the action that might be taken by the Allied representatives.

So, we have about 10,000 bags of cacao that can not be sold, 3,000 unemployed laborers in the Province of Los Rios, three Ecuadorian families, the largest owners of those lands, suffering the undeserved consequences of transactions that were lawful before the war, and a countless number of Ecuadorian planters for the account of the owners of the respective estates threatened with the loss of their property and the fruits of their labor.

The Minister of Foreign Relations of Ecuador has proposed some kind of arrangement to the Allied diplomatic representatives in Quito in order to protect the Ecuadorian interests involved. He has, for instance, spoken to them about appointing an Ecuadorian custodian of the said estates, the net proceeds thereof, after deducting

¹ Not printed.

the expenses, to be deposited in an Ecuadorian or American bank in the name of the Government of Ecuador.

But no solution has yet been reached and, under the circumstances, I am instructed to assist in bringing about an arrangement which would terminate a situation so anomalous and unfair as that described above; and I have thought that the most suitable way to deal with this case is simply and frankly to lay the facts before the Department of State, whose cooperation in adjusting the present difficulties may have a decisive influence.

Not only the sense of justice which guides the actions of the Government of the United States, but also the consideration of the ties of cordial friendship which it maintains with the Government of Ecuador, encourage me to apply to the Department of State for its cooperation in bringing these difficulties to an early settlement.

The Secretary of State can not fail to see that the present situation, affecting the economic welfare of the country, must hamper and weaken the efforts Ecuador is now making toward fulfilling its foreign economic engagements.

I avail myself [etc.]

R. H. ELIZALDE

File No. 763.72112/10826

The Secretary of State to the Ecuadorian Minister (Elizalde)

No. 40

WASHINGTON, November 12, 1918.

SIR: I have the honor to acknowledge the receipt of your note No. 22, dated October 29, 1918, in reference to certain cacao plantations in the Province of Los Rios which have been so embarrassed by reason of German control that distress has resulted to the Ecuadorian owners and laboring population.

I greatly regret that the measures which have proved necessary to restrain the enemies of this Government have brought hardships upon certain citizens of Ecuador who are so unfortunate as to have been associated directly or indirectly with German interests. This Government would strongly favor any course which would effect the permanent elimination of the German interests in the properties in question and, I am pleased to assure you, upon the consummation of such an arrangement the interested departments of this Government will be more than willing to afford such facilities, financial or commercial, as may be necessary.

Accept [etc.]

ROBERT LANSING

Guatemala and Nicaragua

File No. 814.01B

The Minister in Guatemala (Leavell) to the Secretary of State

[Telegram]

GUATEMALA, June 24, 1918, 11 a. m.

[Received June 25, 11.41 a. m.]

The Guatemalan Government offers to our influential American citizen, Daniel B. Hodgson, long-time resident of Guatemala, the position of custodian of alien properties, and he has asked my advice. Would the Department approve my advising him to accept? The appointment would be most desirable. Please advise as soon as you can.

LEAVELL

File No. 814.01B

The Secretary of State to the Minister in Guatemala (Leavell)

[Telegram]

WASHINGTON, June 26, 1918, 4 p. m.

Your June 24, 11 a. m. Yes. If Government of Guatemala has decided to appoint such an official, Department would see no objection to Hodgson.

LANSING

File No. 814.01B/1

The Minister in Guatemala (Leavell) to the Secretary of State

[Telegram]

GUATEMALA, July 4, 1918, 10 a. m.

[Received July 5, 8.50 a. m.]

My cipher telegram June 24, 11 a. m. Hodgson has been appointed, and the Electric Light and Power Co. of Guatemala City, the Electric Light and Power and Telephone Cos. of Quezaltenango, and the Vera Paz Railway Co. have been placed in his hands to begin with.

LEAVELL

Telephones

Hodgson

File No. 814.01B/1

*The Acting Secretary of State to the Minister in Guatemala
(Leavell)*

[Telegram]

WASHINGTON, July 12, 1918, 5 p. m.

Your July 4, 10 a. m. Has legislation similar to the United States Trading with the Enemy Act been enacted? If so, cable summary.

It is most important that provision should be made in such legislation to invest full powers of sale of German properties in the Administration.

You may inquire of Guatemalan Government whether it should wish the friendly assistance and advice of a member of the United States War Trade Board for a short period to assist in organizing any bureau created by this legislation and thus insuring more perfect cooperation between Guatemala and the United States in these matters. Such a man would be paid by the United States War Trade Board.

Mail promptly statement showing approximate value Electric Light Co., Guatemala City, and normal earnings gross and net.

POLK

File No. 814.01B/2

The Minister in Guatemala (Leavell) to the Secretary of State

[Telegram]

GUATEMALA, July 15, 1918, 12 noon.

[Received July 16, 8.18 a. m.]

Your July 12, 5 p. m. Taking over of the German properties here is entirely by presidential decree and is at present limited to the four properties named in my cipher telegram of July 4, 10 a. m., which are to be operated by the Custodian and those net receipts going to Germans held until the war ends. At the present moment nobody knows if President Cabrera intends to go beyond this point. As soon as I can see him, I will ask about this and the other latest instances.

LEAVELL

File No. 814.01B/2

*The Acting Secretary of State to the Minister in Guatemala
(Leavell)*

[Telegram]

WASHINGTON, July 23, 1918, 5 p. m.

Your July 15, 12 noon. The Government of the United States, in considering the question of enemy properties, has taken the attitude that (1) the transfer of the physical assets of German properties to

non-enemies be ~~free from all enemy~~ interests of any character and from all obligations or contracts to enemies, and (2) the proceeds of the sale of these physical assets should be held, the ultimate disposition to be determined at the termination of the war. This is also believed to be the attitude of Great Britain and France.

Communicate this to the Government of Guatemala and also to Hodgson, expressing the hope that the Government of Guatemala will take a similar attitude with respect to enemy properties.

POLK

File No. 763.72113/653a

*The Secretary of State to the Minister in Guatemala (Leavell)*¹

No. 250

WASHINGTON, July 30, 1918.

SIR: You are instructed to ask for an interview with President Cabrera and at this interview to tentatively sound him as to what steps might be contemplated by the Government of Guatemala with respect to the Germans and German-owned properties in that country. You may express to President Cabrera the deep interest which the Government of the United States takes in this question, pointing out at the same time the elaborate legislation and machinery created by the Government of the United States along these lines.

You may state that you feel confident that, should the Government of Guatemala be interested in taking similar steps, the Government of the United States would be prepared to loan to the Government of Guatemala for a short time a special agent of the United States War Trade Board and Alien Property Custodian, for the purpose of assisting the Government of Guatemala. The services of such an agent would give to the Government of Guatemala the benefit of the past experiences of the United States Government along these lines, as well as assuring a more perfect harmony of effort and closer cooperation between the two associated countries.

You may point out to President Cabrera that, were this special agent to come to Guatemala, his peculiar knowledge and experience could not fail to greatly facilitate commerce in general, an end greatly to be desired by both Governments.

The Department feels that it is highly desirable to have such an agent visit Guatemala and you are instructed to use your best efforts, reporting to the Department by cable the attitude which President Cabrera may take toward this proposition.

I am [etc.]

For the Secretary of State:

WILLIAM PHILLIPS

¹The same, *mutatis mutandis*, on July 31, to the Chargé in Honduras (No. 252) and to the Minister in Nicaragua (No. 219).

File No. 763.72113/664

The Secretary of State to the Minister in Guatemala (Leavell)

[Telegram]

WASHINGTON, August 16, 1918, 5 p. m.

Department's July 23, 5 p. m. By note of August 6,¹ acting under instructions of President Cabrera, Minister Méndez assures the Government of the United States that "Guatemala observes and will continue to observe exactly the same attitude toward enemy property within its territory as the United States observes and will hereafter observe."

Alien Property Custodian authorized by paragraph 4, section 12 of the Enemy Trading Act, as amended by act of March 28, 1918, and Executive order of July 16, 1918,¹ issued in pursuance thereof, to sell enemy property or properties in United States taken over by him, the proceeds of such sales being held for ultimate disposition at termination of war.

You are instructed to seek an interview with President Cabrera, refer to his above-quoted instructions, and intimate in that connection that you would be happy to be able to inform the Government of the United States of the date upon which the Government of Guatemala, as a cobelligerent with the United States in the present war, intends to put into operation similar measures with respect to enemy property in that country in accordance with the above-mentioned note of August 6.

In order to cooperate with Guatemala and give her the advantage of the experience of the United States in taking over property of alien enemies, and in order to discuss plans for carrying on trade and ensure the uninterrupted flow of commerce between the two countries so that it will not directly or indirectly inure to the advantage of the common enemy, the Government desires to send to Guatemala a special representative of the United States War Trade Board and the Alien Property Custodian.

In view of the foregoing and keeping in mind the desire of the Government of Guatemala to take steps similar to those taken by the Government of the United States, you are instructed to inquire of President Cabrera whether such cooperation would not also appear desirable to him.

The Department feels that it is essential to practical and efficient cooperation to have such an agent visit Guatemala, and you are instructed to emphasize as much as possible the necessity of this course.

Report promptly and fully by cable results of interview.

LANSING

¹ Not printed.

File No. 763.72113/664

The Minister in Guatemala (Leavell) to the Secretary of State

[Telegram]

GUATEMALA, August 20, 1918, 8 p. m.

[Received August 22, 2.10 p. m.]

Your August 16, 5 p. m. Taking Custodian Hodgson with me I had an interview with President Cabrera this afternoon, and the three of us were closeted together for an hour going over as far as possible every aspect of the situation. Without giving the President's exact words I will try to put the Department of State into possession of his mind as to the question under consideration:

1. He takes the same attitude as that of the Government of the United States towards the property owned by alien enemies.

2. In the matter of taking it over and disposing of it he will go as far as is both wise and practicable for him to go.

3. That the situations of the two countries are entirely dissimilar because in Guatemala a very large fraction of the productive property is owned by Germans, and it would not be feasible to find purchasers for such large amounts of valuable properties when once they had been taken over.

4. That such a situation of affairs might lead to both present and future embarrassment for his Government besides doing injustice to other interests that may be involved with those of the Germans.

5. The only safe and wise course of action for his Government is to scrutinize carefully these several properties, determine what can be and ought to be done, and then do it.

6. Therefore, it is not practicable at this stage to fix a day upon which to begin taking over these properties owned by alien enemies.

7. But in view of the fact that the Government of the United States and that of Guatemala are cobelligerents in the same great war and each is anxious to do what lies in its power to win the war, the Government of Guatemala will be glad to have the cooperation of the Government of the United States especially in such matters where the experience of the latter is so much greater. So if the Government of the United States will send to Guatemala a special representative of the War Trade Board and the Alien Property Custodian to consider this whole matter, the Government of Guatemala will welcome his cooperation, assistance, and advice.

President Cabrera with great earnestness, withal in diplomatic phraseology, emphasized the very great importance of sending a man of great probity as well as a man of experience, more judge than appealer, a man able to look upon every side of the question and reach his conclusions in view of all the facts in the case; that is to say, a man who is both capable and fair. Not his words but his whole manner lead me to judge that he will want the representative

to be a man of recognized responsibility and reputation. Such a representative would receive attention and get active cooperation, and anyone less well qualified would be politely neglected . . .

LEAVELL

File No. 614.119/103

The Minister in Guatemala (Leavell) to the Secretary of State

[Telegram]

GUATEMALA, *September 12, 1918, 3 p. m.*

[Received September 13, 12.53 p. m.]

D. B. Hodgson, Custodian of Alien Property for the Government of Guatemala, now conducting the Empresa Electrica de Guatemala for the Government, informs me that unless electrical supplies ordered from the United States some months ago are forwarded at once this city will be in total darkness within six weeks. The order for the material necessary to reconstruct and operate the plant was placed through A. Rosenthal & Sons, 82 Beaver Street, New York, and was refused export license because the electric company was on the enemy trading list. After the company was taken over by this Government the order was renewed under the changed conditions, but without result so far. Please investigate the trouble and have the War Trade Board grant the license immediately in order to prevent impending darkness, for otherwise it will create a calamitous state of affairs. The necessity is very urgent, so will you kindly inform me as soon as possible.

LEAVELL

File No. 614.119/103

The Secretary of State to the Minister in Guatemala (Leavell)

[Telegram]

WASHINGTON, *September 18, 1918, 5 p. m.*

Your September 12, 3 p. m. You may inform Guatemala Government that when its Alien Property Custodian is given full authority to sell the German property, the War Trade Board will be pleased to license freely supplies for Empresa Electrica de Guatemala.

LANSING

File No. 614.119/104

The Minister in Guatemala (Leavell) to the Secretary of State

[Telegram]

GUATEMALA, *September 20, 1918, 10 a. m.*

[Received September 22, 12.34 a. m.]

Your September 18, 5 p. m. In an interview yesterday afternoon President Cabrera assured me that full authority to sell would be

given to the Alien Property Custodian within a few days, and asked me to inform the Department, but not to reveal it otherwise until the decree is published.

LEAVELL

File No. 763.72113/711a

The Secretary of State to the Minister in Guatemala (Leavell)

[Telegram]

WASHINGTON, *September 27, 1918, 3 p. m.*

Inform Hodgson confidentially that the Government of the United States deems it of the first importance that American interests be given every opportunity to offer their bids upon any German properties which might under Guatemala's Alien Property Custodian's ruling be sold. It is the duty of the United States diplomatic and consular officers to use the best efforts in every proper manner to assure to American citizens every possible advantage. There are at present important American groups anxious to enter the Guatemalan field. Request the delay of sale of any German properties until representatives of these United States groups arrive. Wire the moment legislation is passed permitting the sale of German properties.

LANSING

File No. 763.72113/704

The Minister in Nicaragua (Jefferson) to the Secretary of State

[Telegram]

MANAGUA, *September 27, 1918, noon.*

[Received September 28, 5.45 a. m.]

With respect to the loan of a special agent to the Nicaraguan Government as outlined in the Department's despatch No. 219, July 31, 1918.¹ President Chamorro informed me today that he would accept the offer, and he is today telegraphing his Minister at Washington to this effect.

JEFFERSON

¹ See footnote 1, *ante*, p. 367.

File No. 614.119/111

The Minister in Guatemala (Leavell) to the Secretary of State
[Telegram]

GUATEMALA, *October 16, 1918, noon.*

[Received October 17, 11.22 a. m.]

My cipher telegram September 20, 10 a. m. Governmental decree has just been issued empowering Custodian Hodgson to sell the German-owned Empresa Electrica de Guatemala.¹ Text of decree follows by next mail.

LEAVELL

File No. 763.72113/664

*The Secretary of State to the Minister in Guatemala (Leavell)*²

[Telegram]

WASHINGTON, *October 22, 1918, 4 p. m.*

Your August 2, 4 p. m.³ Department at request of War Trade Board has designated Edward Winslow Ames to act as special agent for the Department of State to give advice in connection with the management of alien property administration in Guatemala, Honduras, and Nicaragua. Mr. Ames will leave for Guatemala toward the end of the month.

LANSING

Honduras: German Enterprises at Amapala

File No. 815.156/2

The Acting Secretary of State to the Minister in Honduras (Ewing)

[Telegram]

WASHINGTON, *September 29, 1917, 6 p. m.*

Mr. Casey, of W. R. Grace & Co., has been authorized by Mr. Rosseter, of the Pacific Mail, to sound the Government of Honduras regarding development of the port at San Lorenzo. Casey should leave Salvador in October, spending the 4th and 5th at Tegucigalpa. Believe he wants port concession on Sacate Grande Island.

In view of conditions, Department desires you to use every possible proper effort to advance interests of American commerce.

POLK

¹ Note in file: "Telephoned to A. J. R. Mitchell to release goods to Electrica de Guatemala. J.G.L." (Julius G. Lay, Acting Foreign Trade Adviser of the Department of State.)

² The same, *mutatis mutandis*, on the same date, to the Minister in Honduras and the Minister in Nicaragua. (File Nos. 763.72113/684,704.)

³ Not printed.

Process
Ewing
Pacific
Mail

File No. 815.156/3

The Minister in Salvador (Long) to the Secretary of State

[Telegram]

SAN SALVADOR, *October 15, 1917, 4 p. m.*

[Received 11.15 p. m.]

Department's September 29, 5 [6] p. m.¹ Returned Salvadorean territory October 13. While in Tegucigalpa, Messrs. Ewing, Casey, and I had interview with the President, who stated that Honduras was free to act, did not favor San Lorenzo as port, but said if Americans desired to build a port on Sacate Grande and connect same with Capital by road, tram, or railroad, said company could collect same tariffs as Germans now do until reimbursed for their outlay, when different arrangements could be made.

LONG

File No. 763.72112Am1/4

The Secretary of State to the Minister in Honduras (Ewing)

[Telegram]

WASHINGTON, *December 18, 1917, 6 p. m.*

Department in receipt of authentic proof of attempt on part of German firms of J. Rossner & Co. and Theodore Kohncke & Co. to transfer their interests at Amapala to Dr. Jose del Carmen Gasteazoro by means of secret contract. As this appears to be a direct attempt by enemy aliens to evade provisions of Trading with the Enemy Act and to set up a cloak for their commercial activities, you are instructed immediately to see President of Honduras and suggest to him that he now take the effective action which he promised in the interview which was had with him at the time of the visit of Mr. Long to Tegucigalpa, should he be furnished with proof of German activity in Amapala. You may further suggest that Honduras should at this time take drastic measures to bring to an end the activities of the German agents and say that this Government has found internment the only effective means of completely safeguarding its welfare in cases of this kind.

You may further state, in a most emphatic manner, that this Government feels convinced that the activities in Amapala of the firms of Rossner and Kohncke are a serious menace to its interests as well as to the interests of Honduras and therefore looks to the Government of Honduras to take immediately such action as is necessary to suppress the danger at that point.

LANSING

¹ "Department sees no objection to your going to Honduras [with Mr. Casey] should you deem it advisable." (File No. 815.156/2.)

File No. 763.72112Am1/8

*The Minister in Honduras (Ewing) to the Secretary of State*¹

[Telegram]

TEGUCIGALPA, December 21, 1917, 2 p. m.

[Received December 22, 6.51 p. m.]

Department's December 18, 6 p. m. Situation taken up with President and Foreign Minister yesterday. President stated, with regard to first, secret contract; the matter was not for diplomatic discussion but for judicial procedure—further necessary to establish identity third party injured. Replied stating people of Honduras injured together with injury accruing to United States through avoidance of Enemy Trading Act. President considers little possibility of German activity at Amapala, stating his Government watching Germans carefully. Further stated Department badly misinformed regarding German activities—that private persons had no doubt given false information. States regarding fraudulent sale German interests would not interfere with American shipping. With regard to internment of Germans, point somewhat evaded with suggestion by President that Germans could be interned commercially by United States black list, which would be effective. Unofficially discussed possibility steamship companies, in order to avoid possible violation enemy trading law, may decide not to visit Amapala. This question gave rise to considerable discussion, President stating situation of this character would seriously injure Honduras, and as Honduras was an Ally while Salvador was distinctly pro-German. Question steamship company's attitude taken seriously although [he] gave assurances this was unofficial discussion of that subject. Honduras will welcome establishment of agency to compete with Germans but is not in position financially to back proposition.

EWING

File No. 815.156/7

Messrs. W. R. Grace & Co. to the Department of State

NEW YORK, December 20, 1917.

[Received December 24.]

GENTLEMEN: Referring to previous correspondence with you regarding steamship terminal facilities at Amapala, Honduras, and particularly regarding the report of Mr. Boaz Long on that subject, beg to advise you that we are informed by the general manager of the Pacific Mail Steamship Co. at San Francisco, Mr. J. H. Rosseter,

¹ Corrected in accordance with second copy received Jan. 4, 1918, 10.53 a. m. (File No. 763.72112Am1/11.)

that he has received a letter from Mr. S. F. Casey, his representative at San Salvador, stating that Mr. Casey and Mr. Daulton Mann, assistant to the general manager, made a trip to Sacate Grande Island, where it had been proposed that a terminal should be established. Mr. Casey suggests that the matter be dropped, because "while it looks feasible on chart it is not so in reality, as at proposed site it is very shallow and pier would have to extend out quite a distance to reach deep water, which would mean a very large expenditure, and we doubt whether enough money could be earned to pay interest, not alone capital invested, as there is not enough traffic to warrant such an amount being expended."

This is sent for your information. The Pacific Mail is working steadily on the question of getting terminal facilities at Amapala entirely free of German control and has been in communication with the Government of Honduras to this end.

Yours very truly,

W. R. GRACE & Co.
ROBERT H. PATCHIN
Mgr., Foreign Trade Dept.

File No. 763.72112Am1/10

The Secretary of State to the Minister in Honduras (Ewing)

[Telegram]

WASHINGTON, December 29, 1917, 5 p. m.

Department informed that port of Amapala closed. Report immediately by cable and give all details regard to cancelling of Kohneke as agents Pacific Mail referred to in your December 28, noon.¹

LANSING

File No. 763.72112Am1/12

The Minister in Honduras (Ewing) to the Secretary of State

[Telegram]

TEGUCIGALPA, December 31, 1917, 11 a. m.

[Received January 1, 1918, 3.10 a. m.]

Department's December 29, 5 p. m., December 18, 6 p. m.; Legation's December 21, 2 p. m., December 22, 5 p. m., December 28, 11 a. m., December 29, 5 a. m. [p. m.]; all bear upon Amapala situation together with messages for Rosseter, San Francisco, and Valentine, New York City, sent through Department.²

¹ Not printed.

² Messages and last three telegrams not printed.

Port Amapala not closed but Pacific Mail, to comply with enemy trading law, suspended service Amapala until establishment new agency other than blacklisted German firms. Representative Pacific Mail canceled Kohncke agency 25th, notifying President and public. This primarily precipitated action of this Government toward creation of agency other than German. Drechsel¹ using strong influence with Government to defeat plan. He positively refuses to sell lighters, threatening their destruction preferentially. Southern [*other*] influences also at work tending to defeat efforts toward effective solution Amapala situation. Representatives new company informed by President today of intended cooperation Honduran Government, but fear stronger Germanic influence if not offset by strong support of United States. Belt.²

EWING

File No. 763.72112Am1/17

The Secretary of State to the Minister in Honduras (Ewing)

[Telegram]

WASHINGTON, *January 5, 1918, 8 p. m.*

Your December 21, 2 p. m., and December 22, 5 p. m.³ You will call in person upon the President of Honduras, in company with the commanding officer of the U.S.S. *Cincinnati* who has been ordered by this Government to proceed to Amapala for this purpose. You will present to the President a note reading textually as follows:

The Government of the United States sincerely regrets that the necessary elimination of enemy connections at the port of Amapala has resulted in the cessation, for the time being, of calls at that port by American steamships, and wishes that you be informed that it has been giving most careful consideration to the question of how best to aid in the re-establishment of communications along lines calculated to advance Honduran commercial interests.

The Government of the United States, particularly at this time, and in order to see that the interests of Honduras are further advanced, would look with favor upon the establishment in Honduras of a new Pacific port under favorable conditions, on the mainland or at a point to be connected with the mainland. With this end in view the Government of the United States will gladly lend its good offices to those American corporations who may be interested in undertaking such development, it being understood that the assurances given by President Bertrand at the time of his conference with American officials and representatives of American companies during the visit of Minister Long to Honduras, included the idea that such corporation as should undertake the building of the port would collect all wharfage charges and dues until its capital and interest were returned in full, at which time a new arrangement could be entered into.

¹ Representative of Kohncke & Co.

² John W. Belt, Secretary of Legation at Tegucigalpa.

³ Latter not printed.

The Government of the United States offers all assistance in its power to facilitate the equitable conclusion of such an arrangement, should it be desired by the parties interested. Meanwhile the urgent necessity is apparent for perfecting an arrangement of a temporary character to provide for the handling of merchandise, so that American ships may resume their calls at Amapala with least possible delay. To facilitate this a working arrangement might be entered into with, or even a temporary concession granted to, some responsible persons sympathetic with the cause of the United States and the Allies for the operation of a lighterage and forwarding business. It would appear advisable that any such arrangement should be made subject to termination on six months' notice, with the proviso that the Honduran Government or the company empowered to operate a new port, should satisfactory arrangements for this purpose be concluded, should take over the equipment to be acquired for temporary needs at a price to be agreed upon when the operation would be effective.

Referring to Legation's December 28, 11 a. m.,¹ and December 29, 5 p. m.,¹ which were signed "Belt," this Government would be prepared to give favorable consideration to a new temporary agency composed of pro-Ally Honduran or French or American firms, if satisfactory to Pacific Mail, to Legation, Consulate, and commander of the U.S.S. *Cincinnati*.

LANSING

File No. 763.72112Am1/18

The Minister in Honduras (Ewing) to the Secretary of State

[Telegram]

TEGUCIGALPA, *January 16, 1918, 9 a. m.*

[Received January 17, 10.37 p. m.]

Department's January 5, 8 p. m. In company with Captain of *Cincinnati*, Foreign Minister, [and] Secretary, [I] called officially on President on 15th, presenting joint note as instructed. Government yesterday formally replied as follows:²

Under instructions of the President of the Republic, I have the honor to answer the esteemed note dated yesterday and signed by Your Excellency and Mr. F. H. Brumby, Captain of the U.S. Navy in command of the U.S.S. *Cincinnati*.

The President has seen with satisfaction the terms of the said note in so far as they express the sentiments of cordiality which govern the friendly relations that happily exist between the Government of the United States and that of Honduras and also as they bring out the earnest desire of both countries for closer industrial and commercial relations, and consequently wishing to bring at once, to the best attention, the project looking to the opening of a new

¹ Not printed.

² Text corrected by comparison with translation later received by despatch. (File No. 763.72112Am1/39.)

port on the Pacific coast of this Republic either on the mainland or on an island near it, such as that of Sacate Grande, which would open easier and more convenient communications with the interior.

On this point, I take pleasure in saying to Your Excellency that my Government will give the attention it deserves to such proposition as may be offered to it for the execution of so important a work as is the opening of the port above referred to, which proposition will be examined with special care, so as to decide thereon that which best suits the rights and good of the nation in harmony with the interests of the corporations, the importance and consequence of that work for the promotion of the general trade of Honduras, and in particular of that which it carries on with the United States of America, being recognized in advance.

To that end, the President directs me to say to Your Excellency that he is dominated by the best desire to afford every facility for such reconnoitering and surveying as may be deemed necessary or expedient for the selection of a site offering the most favorable conditions for the establishment of the port referred to.

With respect to the difficulties of a temporary character met in the port of Amapala by the North American steamship companies, I may assure Your Excellency that even though commercial concerns of a private nature such as agencies were concerned, my Government has endeavored, as far as it could interfere in such matters, to remove those difficulties, for the good of the trade, in the manner of which Your Excellency is already aware.

Believing that in this sense the points of the esteemed note above mentioned have been satisfactorily answered, I take pleasure in reiterating to Your Excellency [etc.]

Mariano Vásquez.

In conference last night [it was the] unanimous opinion of the Legation, Consulate, representative of Pacific Mail, and Captain of *Cincinnati*, that reply was absolutely unsatisfactory. Instruction sent by Captain of *Cincinnati* for northbound steamer *Peru*:¹ "Under no circumstances call at Amapala until further instructions." Captain of *Cincinnati* here respectfully requests rush instructions.

JOHN EWING

File No. 763.72112Am1/20

The Chargé in Honduras (Belt) to the Secretary of State

[Telegram]

TEGUCIGALPA, January 18, 1918, midnight.

[Received January 20, 3 a. m.]

Foreign Minister this afternoon requested conference, presenting note dated to-day. First part quotes telegram [note] to President from Pacific Mail representative to effect, inasmuch as steamer service discontinued, what disposition desired by Honduras of mail.

¹ Of Pacific Mail Steamship Co.

cargo, steamer *Peru*, further stating same would be landed La Unión. Note continues as follows:

In view of the concepts of the preinserted note, the Government considers that the difficulties that obstruct and even make impossible the commerce of the port of Amapala still subsist [*exist*] without any satisfactory solution, which, as is natural, affects the interests of the country; it being the duty of the Government to put an end to this anomalous situation, making use of the powers which are within its reach.

In this sense the honorable President has resolved to seize the lighters existing in the mentioned port which are indispensable for the service in question, which he will take into his charge, administering it directly.

My Government feels that through this procedure the obstacles and inconveniences to which it has made reference will be put aside definitely, regulating in consequence the steamer service at present interrupted.

Foreign Minister [stated] upon receipt satisfactory reply President would immediately issue decree seizing German lighters and operating same until agency to be selected by President was established and had secured other lighters.

This complete change on the part of Honduras accounted for by pressure brought to bear and known absolute discontinuance steamer service. Further understand Foreign Minister of Salvador notified representative of Pacific Mail that it cannot land Honduran cargo La Unión. Have been expecting Salvador's entrance into situation, as influential German representative Amapala firms now there; also attitude Salvador this country with friction between Salvador's representative here and Foreign Minister.

Foreign Minister states Government cannot compel sale of lighters, only seize and operate. Government very desirous for immediate resumption steamer service.

Opportunity presents for United States to settle question definitely without further parleying on the part of Honduras.

Proposition as presented may involve secret understanding between Government and Germans who may resume operations after duration [*termination*] of war. Pacific Mail service desires Commercial Export Co. as its agent Amapala. Think Government has in mind Honduran company, as previously suggested, which is not satisfactory to Pacific Mail, Captain of *Cincinnati*, Legation, [or] Consulate. United States in favorable position to establish American agents if desired, which will eliminate all possibility later German control.

Respectfully suggest *Cincinnati* remain Amapala until negotiations completed.

Honduras asks immediately reply.

File No. 763.72112/6377

The Acting Secretary of State to the Chargé in Honduras (Belt)

[Telegram]

WASHINGTON, *January 21, 1918, 7 p. m.*

Your January 16, 9 a. m., and January 17, noon.¹ Seek early opportunity to inform President of Honduras that the note of the Government of Honduras transmitted to the Legation at Tegucigalpa has received the careful consideration of the Government of the United States which will immediately take steps to obtain information regarding the practicability of building on Sacate Grande new port which can be connected with mainland, if report is favorable corps of engineers may be sent to make accurate study; and that the United States will expect Government of Honduras' full cooperation in everything looking to establishment of new port from which much advantage should accrue to Honduras.

You will say further that in view of the fact that the above-mentioned note did not make clear what steps the Government of Honduras contemplated taking to remedy the present difficulties existing at Amapala due to operation of the Trading with the Enemy Act, the Pacific Mail Steamship Co. has under consideration sending from San Francisco its own lighters to move its freight from its vessels.

In view of information contained in your January 18, midnight, which the Department has now received, you will take advantage of the occasion of your interview with the President to point out to him in conversation that the Trading with the Enemy Act is but one of the many acts passed by the Congress of the United States incident to entry of the United States into the war and to say that it is regretted that its inevitable enforcement has worked a temporary hardship upon the Government of Honduras, to relieve which hardship the Government of the United States made its recent suggestions in the most friendly and kindly manner.

You will add that from the note of the Honduran Government dated January 18 it appears that the situation at Amapala will now be remedied by the action of the Government of Honduras in seizing and operating the lighters owned by enemy interests, and that so far as this Government can now see the operation of these lighters by officials of the Honduran Government would meet with the requirements of the Trading with the Enemy Act, it being carefully borne in mind that the above-mentioned act makes it impossible to deliver merchandise into enemy hands or into any hands in which the enemy retains any interest.

POLK

¹Latter not printed.

File No. 763.72112Am1/22

The Acting Secretary of State to the Chargé in Honduras (Belt)

[Telegram]

WASHINGTON, *January 25, 1918, noon.*

Your January 21, 2 p. m. [*January 22, 2 a. m.?*]¹ Department has received January 23 the following telegram:

Acknowledging your wire 22d,¹ thank you for full advices. I am now rushing construction of lighters of type required at Amapala and if these can be loaded safely on our steamer *George W. Elder*, sailing hence February 6, would be due at Amapala February 22; also we will transfer gasoline launch now at San José, Guatemala, and are sending on our steamer *City of Para* sailing January 26 one of our officers experienced and thoroughly equipped to establish landing facilities and to be relied upon to handle the business diplomatically, and who will be instructed to disembark at La Unión. Am today cabling Mann² to appoint Rosario³ our agents and that we are sending equipment and a special representative to survey new port and study project with intention of establishment by American interests. With new equipment in charge of Rosario and handled by our special representative, we trust you will approve acceptance of cargo for Amapala to go by steamer taking lighters. Please advise if all above meets with your approval. Signed, J. H. Rosseter.

Department replied to effect that this solution would appear to be satisfactory, that Legation might inform Government of Honduras if it is considered advisable, and that Government of Salvador had been requested to permit temporary landings of cargo and mail at La Unión.

In view of the proposed operation by the Government of Honduras through Department of Fomento of the business of a common carrier, it seems highly advisable, in order to avoid serious possible complications, that fuller and more precise information of the contemplated methods of operation, with particular reference to the disposition of the lighters and of the funds earned, be at once furnished for the information and guidance of the War Trade Board, whose rulings in similar cases are paramount. So inform Government of Honduras, adding that the resumption of steamship service is contingent upon operations of the Enemy Trading Act.

POLK

¹ Not printed.² Daulton Mann, of the Pacific Mail Steamship Co., in Honduras. ✓³ The New York and Honduras Rosario Mining Co. ✓

Rosario

W. A. Grace

File No. 763.72112Am1/27

The Chargé in Honduras (Belt) to the Secretary of State

[Telegram]

TEGUCIGALPA, *January 27, 1918, 5 p. m.*[Received *January 29, 5 a. m.*]

Department's January 12, 6 p. m. [*January 21, 7 p. m. ?*], January 25, noon. My January 21, 11 a. m. [*January 22, 2 a. m. ?*],¹ January 23, 11 p. m.,¹ regarding Amapala situation.

On 24th, accompanied by newly appointed Minister to Washington, representatives of Pacific Mail and Rosario, visited President. Those points Government failed to make clear discussed thoroughly and an oral understanding reached.

Informed President in view of importance entire situation considered it advisable his Government be formally addressed by note. After considerable discussion he finally gave his consent.

On [January] 25 addressed formal note embodying entire first paragraph Department's January 22, 6 p. m. [*January 21, 7 p. m.*], regarding Sacate Grande proposition, also first half of second paragraph, but avoided giving definite assurances that note of Honduran Government, dated January 18, would be acceptable until Legation received answer to note of agreement in conference with President on 24th.

Legation's note of the 25th further distinctly set forth five points which appear in the following, dated today, herewith transmitted in full as requested. Note follows:

Tegucigalpa, January 27, 1918.

Mr. Chargé d'Affaires: I acknowledge receipt of your esteemed note dated the 25th of the current month relative to the retirement of the steamers from the port of Amapala motivated by the fact that the agencies of this commerce in that port are conducted by citizens of the German Empire considered as enemies by the act of the American Congress to which Your Honor alludes, with whom it is prohibited to citizens of the United States of America to enter into commercial relations. The Government of Honduras being a friend and ally of the United States of America proceeded immediately with the embargo of the launches of the mentioned agencies to the effect of taking charge through special employees of the operations which before were effected by the German houses.

My Government believed that this would be sufficient to satisfy completely the desires of the Government of the United States of America, as the German houses in the port of Amapala disappearing, the clauses of the aforementioned act of Congress were fulfilled.

¹ Not printed.

Notwithstanding, in view of the points which Your Honor submits in your note of the 25th alluded to, so that they may be answered by this Government, through deference and to give once more proof of the special consideration which it owes that of the United States, it has no objection to do so in the following form.

To the first which literally says: Will the Government of Honduras retain up to the end of the present World War the lighters of the German firms at present seized by the Government of Your Excellency? I answer that the Government of Honduras will retain said lighters up to the end of the present World War. [To the second which reads: Is the present plan of action of Your Excellency's Government ~~not to grant a concession or special privilege~~ to any agency that has been or may be established in the port of Amapala? Is the business to be conducted in Amapala of a competitive nature? I reply that the Government of Honduras will grant no privilege or ~~concession in this respect~~. To the third which reads: Will the income derived by Your Excellency's Government from the temporary operation of the lighters in the port of Amapala be retained by the Government of Honduras and not turned over to the Germans or German firms or agents of said firms established in Amapala? I reply that the Government will retain the proceeds of the freights and will ~~not remit them to the Germans or German firms or their agents~~. To the fourth which reads: Is Your Excellency's Government's present plan of action only to operate the lighters in the port of Amapala temporarily until persons desiring to establish an agency are afforded the opportunity to obtain the outfit required for effective operation? I reply that the plan of the Government of Honduras is to operate the lighterage service ~~as long as it deems it necessary to the interests of general commerce~~. To the fifth which reads: Will the Government of Honduras allow reasonable time to the agency that may wish to establish itself in Amapala in which to register the company or agencies under the laws of Honduras? I reply that the Government has absolutely nothing to do with the subject matter of this inquiry. Anyone may individually attend to the registration of one's own business or for the account of a third party on any day one sees fit and, in the case of a company, in so far as it shall have complied with the requirements of the commercial law.¹]

In the express terms I have received instructions from Mr. President to answer the various questions contained in Your Honor's aforementioned note dated the 25th of the current month.

I shelter the hope that with such explicit declarations of my Government the difficulties which have arisen in the port of Amapala for the regular passage of steamers will cease. With sentiments of my distinguished consideration, etc. Signed, Mariano Vásquez.

Respectfully suggest, if this settlement of Amapala situation entirely satisfactory, prompt reply in most friendly terms and imme-

¹ The bracketed portion of note is in accordance with the Department translation of a repetition of the Spanish text cabled Feb. 3 by the Legation at the request of the Secretary of State. (File No. 763.72112Am1/36.)

diate resumption of steamer service at Amapala. Government somewhat uneasy as to claims that may result to Germany after the war and look to United States for protection.

Representatives Pacific Mail, Rosario, consider note entirely satisfactory and will take immediate steps to establish agency upon approval of United States Government. Most anxious next steamer call Amapala. Any further parleys would not be taken gratefully [*gracefully*], Government considering it has effectively settled entire situation. Prompt reply respectfully requested.

BELT

File No. 763.72112Am1/38

The Acting Secretary of State to the Chargé in Honduras (Belt)

[Telegram]

WASHINGTON, February 6, 1918, 7 p. m.

Your February 2, 4 p. m.,¹ and February 4, 11 a. m.¹ Text of note of Honduran Government dated January 27, amended and corrected by your telegram February 3,² was transmitted to War Trade Board for its consideration. The guarantees of the Honduran Government appear satisfactory and resumption of traffic to Amapala through agent of Pacific Mail is approved.

This information has been communicated to Rosseter.

POLK

File No. 763.72112Am1/43

The Chargé in Honduras (Belt) to the Secretary of State

[Telegram]

TEGUCIGALPA, February 8, 1918, 4 p. m.

[Received 10.40 p. m.]

Notified Government yesterday contents of Department's February 6, 7 p. m. Minister for Foreign Affairs today acknowledged note expressing gratification at resumption of steamer service. Representative of Pacific Mail publicly announces sailing dates together with appointment of De Hart³ as agent. Business later will be handled by Commercial Export Co. Preparations already made to handle cargo next steamer. No Germans Amapala or Island Amapala. Situation appears satisfactorily settled all parties.

BELT

¹ Not printed.

² See footnote 1, *ante*, p. 383.

³ J. M. De Hart, Vice President of the New York and Honduras Rosario Mining Co.

Rosario

File No. 763.72112Am1/54

The Chargé in Honduras (Curtis) to the Secretary of State

[Telegram]

TEGUCIGALPA, February 15, 1918, 6 p. m.

[Received February 16, 3.26 p. m.]

Referring to my cable of February 14, 10 p. m.¹ Minister for Foreign Affairs took me this morning to see the President who insisted that Department's telegram of February 6, 7 p. m., permitted absolute freedom of traffic between Amapala and San Lorenzo. He declared also that he now forbade all transportation of freight between those places except by the National Agency, at least for the present but probably for the duration of the war. He said that this was a step taken because of the existence of martial law and was just what our Government had done as to the ships and railroads of the United States. I pointed out to him that in view of the orders of the United States Government this would cause the immediate closing of the port of Amapala to American vessels, to which he assented defiantly. He complained rather violently that our Government had consented to purchase of the German lighters by De Hart but that it would not permit their use by the Government after it had confiscated them. I attempted in vain to get him to delay his decision as reported above until that of the War Trade Board was known.

As to the *Fairhaven* the President said that according to title 22 of the customs code it could not obtain clearance until it had [discharged] all its cargo for this country, but that it would not be molested if it chose to leave without clearance, although it would be fined if it returned to a Honduran port.

U. S. S. *Yorktown* is warning all American vessels not to enter Honduran waters.

It is most important that you should cable me immediately any decision of the War Trade Board which is to be effected.

Unless it has already rendered a decision, I recommend urgently that the Government of the United States assume a very strong attitude.

The Minister for Foreign Affairs seemed greatly disappointed at the attitude of the President. I elicited from the President a direct denial of the statement reported in my February 14, 10 p. m.,¹ that the Government paid for the lighters.

CURTIS

¹ Not printed.

File No. 763.72112Am1/51

The Secretary of State to the Chargé in Honduras (Curtis)

[Telegram]

WASHINGTON, February 16, 1918, 6 p. m.

Your February 9, 6 p. m.,¹ Department's February 6, 7 p. m. Department stated resumption of traffic through agency of Pacific Mail at Amapala was approved.

Since the contemplated operation of German-owned lighters was only until "agency was established and had secured other lighters" (January 18, 1 p. m. [*midnight*]),² and since this condition has been complied with, the necessity of possibly utilizing German material no longer exists.

In view of the early resumption of traffic at Amapala, Department feels confident any past inconvenience has been eliminated.

Legation's January 24, 10 a. m.,¹ and January 23, 11 a. m. [*p. m.*]¹ do not indicate that in government-seized lighters German taint has been eliminated. This phase of question is at present before the War Trade Board.

LANSING

File No. 763.72112Am1/59

The Chargé in Honduras (Curtis) to the Secretary of State

[Telegram]

TEGUCIGALPA, February 17, 1918, 11 p. m.

[Received February 18, 4.45 p. m.]

President this afternoon in the presence of De Hart and others stated to me that as soon as favorable decision by the War Trade Board was received he would open traffic between Amapala and San Lorenzo to every one. He had earlier assured De Hart that if he could get the bulk of this in open competition the National Agency would withdraw entirely.

Please use every effort to get the War Trade Board to render an early decision as delays are arousing official and public resentment here.

CURTIS

¹ Not printed.² *Ante*, p. 378.

File No. 763.72112Am1/59

The Secretary of State to the Chargé in Honduras (Curtis)

[Telegram]

WASHINGTON, February 23, 1918, 7 p. m.

Your February 15, 6 p. m., and February 17, 11 p. m. Orally bring to the attention of the President of Honduras and to his Minister for Foreign Affairs the following:

Fully cognizant of the seriousness to Honduras of the termination of ship service on her Pacific coast, the Government of the United States has untiringly interested itself in seeking to bring about a condition which would produce a temporary relief at Amapala and solve the greater problem of the new port. This has been proven by the surveys now under way upon the favorable report of which depends the despatch of engineers to make the final survey. That the temporary solution has been somewhat delayed is due to the complexity of the situation and to the lack of full understanding traceable in large part to information in possession of the War Trade Board to the effect that the seizure of the lighters was suggested by an enemy and that a public celebration on the part of enemies followed the announcement of the proposed formation of this agency, which, by direct inference, meant that Amapala firms on the enemy trading list would endeavor to exert directly or indirectly some influence over shipments made by American firms in American bottoms.

It is confidently believed that the President of Honduras had no knowledge of these enemy activities, but he will readily understand the effect of such a report on those administering the Trading with the Enemy Act, and that if interest of such firms in the lighters were proven, it would render liable to prosecution Americans employing them. It is to reduce to a minimum all probability of such a contingency, which would probably have a disastrous effect upon Honduran trade, that the following course of action has been determined. In presenting this you will make clear to the President of Honduras that the information given above came to the attention of the War Trade Board after the Honduran Government's note dated January 27 had been received by the Legation. Inform the President that upon receipt of an official assurance, based upon adequate up-to-date investigation, that the National Agency is entirely free from interest and control of above-mentioned firms, and that its management will be changed to persons independent of their influence, who shall be approved by the American Legation, special licenses will be temporarily granted without delay to such American

firms as request them, entitling them to ship on lighters of "the National Agency" from Amapala to San Lorenzo.

The Government of the United States, in coming to this conclusion, is mindful of the position which the Government of Honduras assumed toward it in severing relations with the Imperial German Government.

It is of course to be understood that this action is taken only as a result of the peculiar circumstances of this case, and that the Commercial Export agency will continue to handle all freight between vessels and Amapala and will have all freedom to engage in competitive lighterage business from Amapala to San Lorenzo.

If you consider advisable you may state that the simplest solution, however, and to this the War Trade Board sees no objections, would be for all lighters to operate under the authorized agent of the Pacific Mail Steamship Co., which is understood to be the Commercial Export Co.

You will hand the President of Honduras a copy of the Trading with the Enemy Act and title 7 of the Espionage Act with the respectful indication that a careful study of these documents will show that persons in the United States are prohibited from engaging in any commercial transactions either for the benefit of or on behalf of enemies, directly or indirectly.

LANSING

File No. 763.72112/7158

The Chargé in Honduras (Curtis) to the Secretary of State

[Telegram]

TEGUCIGALPA, February 26, 1918, 7 p. m.

[Received February 27, 4.50 p. m.]

Your February 23, 7 p. m., brought to the attention of the President and Minister for Foreign Affairs orally yesterday afternoon, omitting reference to surveys now under way for the new port as none are being made. There were also other minor omissions due to mutilations. I did not consider it advisable to mention next to last paragraph of your cable.

The President stated positively that there is absolutely no German control or interest in the National Agency and explained the Germans claimed they would be paid for them [*the lighters*] owing to the statement made by the Honduran Government when canceling exequaturs of the German consuls that Germans would receive still the protection provided by the laws, this being the only assurance of any kind they have had. He stated that the celebration was of birthday of some German royalty.

As to the manager of the National Agency, he intimated that he would be changed if you wish.

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He offered no objection to your other proposals, but asked that the entire matter be set forth in writing for his consideration, and I, this morning, sent an *aide-mémoire* to the Minister for Foreign Affairs.

It seems probable your proposals will be accepted, but that I shall be asked to cable for a general license for all cargo now at Amapala, or at La Unión, or afloat. . . .

CURTIS

File No. 763.72112/7397a

The Secretary of State to the Chargé in Honduras (Curtis)

[Telegram]

WASHINGTON, March 1, 1918, 6 p. m.

Department's January 21, 7 p. m.,¹ first paragraph, and Department's January 5, 8 p. m.²

The United States Government is now prepared to make exhaustive survey of channel to and island of Sacate Grande. Obtain formal permission of Honduran Government for making such survey, also permission to land and store at Amapala gasoline necessary for carrying out operations.

LANSING

File No. 763.72112/7220

The Chargé in Honduras (Curtis) to the Secretary of State

[Telegram]

TEGUCIGALPA, March 1, 1918, 9 p. m.

[Received March 2, 4.44 p. m.]

Referring to my cable of February 26, 7 p. m., President this afternoon after first submitting counter-proposition reluctantly agreed to the terms stated in your February 23, 7 p. m., but only for a period of two months and with the understanding that I would cable requesting immediately a general license by cable permitting all cargo now at Amapala, Corinto, La Unión, or at sea to be taken from Amapala to San Lorenzo by the National Agency should the consignees so desire. He made it clear that he considered that the assurances of the Honduran Government as to absence of any German control or interest in the seized lighters ought not to be questioned and that no arrangement of a permanent character could be made until same were accepted by War Trade Board.

Have instructed steamship company to resume.

¹ *Ante*, p. 380.² *Ante*, p. 376.

Practically all of the cargo brought by the steamer *City of Para* is still in Amapala and license for its transportation should be cabled immediately. By special authority from the Honduran Government some cargo for Rosario has been taken to San Lorenzo in the lighters of the Pacific Mail agent; a small quantity for the Government went in the National Agency lighters, as did some unidentified, and some for Santos Soto & Co.

I cannot recommend too strongly that no special licenses be given for shipments to those on the black list as it is impossible to make people here understand why Americans are permitted to [trade with them] whereas local firms are not.

CURTIS

File No. 763.72112/7398

The Chargé in Honduras (Curtis) to the Secretary of State

[Telegram]

TEGUCIGALPA, *March 8, 1918, 10 p. m.*

[Received *March 9, 5 p. m.*]

Your March 1, 6 p. m. Minister for Foreign Affairs replies to my note requesting permission for the landing and storage of gasoline at Amapala by asking what is the object of the Government of the United States. He refers to his note of January 16 [15] which was transcribed in Legation's January 26 [16], 9 a. m.,¹ repeats that the Government is favorably disposed, but says that the Honduran Government then understood that a private company would make proposals relative to the opening of the new port, whereas now it appears that it is our Government which desires to make the surveys. In the course of a conversation he acknowledged that permission had been given to make the surveys if [and] tacitly admitted that permission was still valid, although it had been given rather too hastily. He also asked how long will it take to complete the surveys.

It would appear that there is not enough warehouse space in Amapala of the kind required by law for gasoline in such quantity as our [Navy] proposes to place there. I am keeping in touch with commander of U.S.S. *Yorktown*.

CURTIS

File No. 763.72112/7398

The Acting Secretary of State to the Chargé in Honduras (Curtis)

[Telegram]

WASHINGTON, *March 12, 1918, 3 p. m.*

Your March 8, 10 p. m. The surveys undertaken by the United States Government will be terminated as soon as possible, the Hon-

¹ *Ante*, p. 377.

duran Government being supplied with a copy of the findings of the survey. The interest of the United States Government in the entire question is indicated in Department's January 5, 8 p. m.¹

Gasoline is needed by United States naval vessel and power boat making the survey, for which reason Honduran Government is expected to accord special facilities.

POLK

File No. 763.72112/7469

The Secretary of State to the Chargé in Honduras (Curtis)

[Telegram]

WASHINGTON, *March 18, 1918, 4 p. m.*

Your March 7, 6 p. m.,¹ and March 13, 3 p. m.² Your interpretation of Department's cables was correct. War Trade Board now feels that as the Honduran Government has given formal assurance to effect that all German interests, present and future, have been eliminated, no special licenses to use the lighters of the National Agency will be required. Therefore you will inform the President that as the above assurances both in regard to present as well as future enemy interests in the lighters appear to be satisfactory, the War Trade Board sees no reason why American citizens may not discharge their cargo on National Agency lighters or may not transfer their goods by the same agency from Amapala to San Lorenzo, thus leaving the lighterage business at Amapala open to competition to all agencies in which there is no enemy taint.

War Trade Board has decided that as assurances of Government appear to meet requirements of act, the granting of any license to use National Agency lighters would be tantamount to stating Government of Honduras was acting in behalf of enemy interest.

Department also wishes that there be open competition now that American interests are in a position to dominate Amapala, in view of the fact that complaints have been received from American citizens that Commercial Export Co. was the monopoly of Rosario interests and working against business competition.

The opening of a new port with fair competition would appear to be best solution of matter.

You will carefully notice statement of War Trade Board in regard to "all German interests, present and future." Impress upon President that the Board is acting upon his assurances as to future as well as present enemy interests.

LANSING

¹ *Ante*, p. 376.

² Not printed.

File No. 763.72112/7645

The Chargé in Honduras (Curtis) to the Secretary of State

[Telegram]

TEGUCIGALPA, *March 21, 1918, 11 p. m.*[Received *March 22, 5.25 p. m.*]

In view of mutilations in your March 18, 4 p. m., I have not yet presented the matter to the President. Moreover, although he has given me most emphatic oral assurances as to the elimination of German interests he has not done so formally. I feel sure, however, that he will do so if I request it.

Referring to the third paragraph of your cable, I am informed by the special representative of the Pacific Mail that American interests do not dominate transportation at Amapala and that apart from Rosario cargo they have been carrying approximately 25 per cent only of the freight from Amapala to San Lorenzo, and that the result of free competition would probably be that the Government would so hinder the operation of the American charter that it would be impossible for them to compete. It seems to me that from a commercial point of view the selection of the Commercial Export Co. was not ideal. Some days ago Walter Bros., who are British but said to be operating with capital received from Parmelee & Co. of New York, objected to showing invoices to competitors. They may presumably ship by the National Agency and have already asked it to handle one shipment, but it is certainly better to show invoices to American competitors than as formerly to German.

As to the new port, I feel convinced that the Sacate Grande proposition will prove too costly to be remunerative and this opinion is shared by the commanders of the *Cincinnati*, *Yorktown*, and *Marblehead*, as well as by others who have studied the matter.

As the present arrangement does not expire until April 30, I shall take no action until further instructed.

CURTIS

File No. 763.72112/7645

The Secretary of State to the Chargé in Honduras (Curtis)

[Telegram—Extract]

WASHINGTON, *March 27, 1918, 7 p. m.*

Your March 21, 11 p. m. Department desires you to present substance of its March 18, 4 p. m., to President of Honduras and considers it advisable to obtain from him formal assurance as to elimination of German interests, which you state you feel sure he will give if requested.

LANSING

File No. 763.72112Am1/75

The Secretary of State to the Chargé in Honduras (Curtis).

[Telegram]

WASHINGTON, April 29, 1918, 6 p. m.

In view of statement in despatch No. 589, January 28,¹ that the Government of Honduras intended to operate lighters as common carriers only until such time as Pacific Mail agency was adequately equipped to carry on this business itself, you may inform the Government of Honduras that as these conditions appear now to be fulfilled it would seem that the 30th of April were an appropriate date to discontinue its conduct of a lighterage business. Report by cable results of interview.

For your confidential information. Your despatches No. 624, March 9,² and No. 646, March 31,² show that Honduran Government must return seized lighters to the Germans at end of war.

The operation by the Honduran Government of the German lighters entailing their return after the war can not be regarded under the Trading with the Enemy Act as an elimination of German interest.

For this reason, on and after the 1st of May the National Agency will be placed upon the enemy trading list if considered necessary. Cable fully your views.

LANSING

File No. 763.72112Am1/80

The Chargé in Honduras (Curtis) to the Secretary of State

[Telegram]

TEGUCIGALPA, April 30, 1918, 12 p. m.

[Received May 2, 6.35 a. m.]

Your April 29, 6 p. m., was received at 4 p. m., and at 6 I saw the President, who refused to see any reason to discontinue operating the seized lighters notwithstanding the assurances reported in the Legation's January 18, 12 p. m.,³ and January 27, 6 [5] p. m.,⁴ he maintaining that the necessities of Honduran commerce still required their operation in order to avoid a monopoly on the part of the Pacific Mail agency. I did not feel at liberty to disclose to him any part of the confidential portion of your cable, but in reply to his inquiry as to what objection the United States could have to those continuously operating I suggested that the lighters would have to be returned to the Germans after the war and that the business would go with them. He replied that the Government intended to prevent this by buying the lighters or others at that time and

¹ Not printed; see telegram of Jan. 27, *ante*, p. 382.

² Not printed.

³ *Ante*, p. 378.

⁴ *Ante*, p. 382.

to continue in the business, so I suggested that it could probably buy those of the Pacific Mail now; he said that for various reasons the Government could not do this now, but that he would try to persuade some of the merchants to do so; however, he would like to know what he was to do with the seized lighters, and when I said to lay them up, he declared that the Germans would immediately complain, and that he had already received a telegram from the Spanish Minister in Guatemala transmitting a message from the German Government to the effect that Honduras would be held strictly accountable for its acts regarding the lighters, to which he had replied by a mere acknowledgment.

The President has shown considerable interest recently in the success of the National Agency and I feel sure that our placing it on the enemy trading-list will result in his forbidding the operation of any but its lighters and the consequent total closure of the port of Amapala. If these results can be avoided at all it seems to me that an attempt should be made to arrange for the purchase by the Honduran Government of the lighters of the Pacific Mail agency; however, the owners may not be willing to sell and the Government has no money except what it has borrowed, which it does not wish to touch.

CURTIS

File No. 763.72112Am1/81

The Chargé in Honduras (Curtis) to the Secretary of State

[Telegram]

TEGUCIGALPA, May 2, 1918, 1 p. m.

[Received May 3, 5.45 a. m.]

Supplementing my April 30, 12 p. m. I find that owing to the delays and mismanagement of the National Agency the Pacific Mail agent is constantly obtaining more and more of the business which was not given him at first; that the National Agency is allowing its lighters to fall into bad condition so that in a few months it will probably have to retire from business; and that it is losing money rapidly owing to internal confusion and failure to send out bills. Under these circumstances, I wish to withdraw my recommendation in favor of the Government buying the Pacific Mail lighters.

If the Government discontinue [does continue] there is always danger that it will so hinder the operations of its competitors that it will secure much, if not all, the business.

Anything in the nature of an ultimatum, such as blacklisting the National Agency, should be avoided if another solution can be found . . .

I shall await your answer to this cable before acting on any further instructions regarding this matter.

CURTIS

File No. 763.72112/9398

The Chargé in Honduras (Curtis) to the Secretary of State

[Telegram]

TEGUCIGALPA, July 11, 1918, noon.

[Received July 12, 7.26 a. m.]

Your July 1, 3 p. m.¹ The President informs me that he has sent positive instructions to the National Agency to abstain from all business with parties on the enemy trading list. He also promises the appointment immediately of a new manager and complete separation from the customary course [*sic*] and absolute equality of treatment for the De Hart agency. He further repeats his assurances that the Government has sequestered the lighters without paying for them or making any agreement of any kind to pay and that they will have to be returned after the war; and he expressed the opinion that it was not fitting that the Government be engaged in such business under ordinary circumstances. He asked my consent to telegraph to the Minister at Washington to correct his understanding and I made no objection. Regardless of any instructions he may give I feel sure that some favoritism will be shown, but I recommend that the Trading with the Enemy Act be not enforced.

The enforcement of that act would remove a source of pressure which can be used at any time but its enforcement would cause great ill-feeling, and I consider that it is much more important to secure what you recommend in telegram of July 5, 6 p. m.²

I have already protested against the freedom of movement allowed to the Germans, whose leaders held a well-attended meeting at Sabanagrande on the 5th instant, and the President appears to be disposed to issue orders requiring them to obtain permission each time that they desire to move from one place to another. I shall endeavor to secure the issuance of such orders.

CURTIS

¹ Not printed.

² Supplement 1, vol. II, p. 1031.

File No. 763.72113/684

The Chargé in Honduras (Curtis) to the Secretary of State

[Telegram]

TEGUCIGALPA, *September 16, 1918, 3 p. m.*[*Received September 17, 6.45 p. m.*]

Department's instruction No. 252, July 31.¹ The President at noon said that the Honduran Government was studying what steps could be taken against the Germans without violating the provisions of the Constitution, but that no one of the measures discussed had been considered to such an extent that it could be spoken of as contemplated. He said that the Government would be most pleased to have an expert of the War Trade Board and Alien Property Custodian come here² so that Honduras might copy such parts of the laws of the United States as might be appropriate to the conditions existing in this country. He added that he considered it advisable that this expert come immediately so that laws might be drafted for presentation to the Congress when it reassembles at the beginning of January.

It is of the utmost importance to send a man who is familiar with conditions in Latin America, if an expert with such qualifications is obtainable, and he should be instructed to keep in close touch with the Legation. Would moreover refer to my despatch No. 809, August 31,³ and show it to the person who is appointed.

CURTIS

 Panama

File No. 763.72112/10103

The Chargé in Panama (Greene) to the Secretary of State

No. 2066

PANAMA, *August 26, 1918.*[*Received September 10.*]

SIR: With reference to my telegram of May 29, 12 noon,³ to the Department's telegram of June 3, 4 p. m.,³ and to previous despatches to the Department on the subject of the promulgation of a trading with the enemy decree and of a decree on the subject of espionage by the Government of Panama, I have the honor to transmit herewith enclosed (enclosure No. 1³) translation of a note dated August 22, received from the Panaman Secretary for Foreign Affairs, stating that these two measures cannot be promulgated in the form of decrees, but that they will be urged upon the National Assembly at one of its first meetings in September, in order that they can be adopted as the

¹ See footnote 1, *ante*, p. 367.² See footnote 2, *ante*, p. 372.³ Not printed.

laws of Panama, as originally drafted by Maj. Ira K. Wells, Judge Advocate General of the Panama Canal Department. These original drafts have already been submitted to the Department in previous correspondence.¹

The question of persuading the Government of Panama to adopt these laws has been one of constant negotiation between this Legation and the Foreign Office of Panama, since April last. . . .

I now no longer have any reason to doubt that early in September these two measures so long urged upon the Government of Panama, will become laws.

I have [etc.]

ELBRIDGE GERRY GREENE

File No. 763.72112/10167

The Minister in Panama (Price) to the Secretary of State

[Telegram]

PANAMA, *September 18, 1918, 2 p. m.*

[Received 8.30 p. m.]

Legislative action on our trading with the enemy proposal, referred to in Legation's despatch No. 2066 of August 29 [26], has been withheld at our suggestion until we might have the opinion of the Department as to adding to our proposal an article authorizing land holdings of alien enemies in Panama to be sold and title conveyed. Those mainly in mind are the holdings of a German syndicate on Puerto Piñas Bay under management of Augusto Dzuik, now interned. See Legation's despatch No. 1456, July 5, 1917.¹ We would like to get rid of this German ownership if deemed proper by the Department. I presented the matter while in Washington and have the impression that an expression was obtained by the Latin American Division from the Counselor. Information and instructions are respectfully solicited.

PRICE

File No. 763.72112/10167

The Secretary of State to the Minister in Panama (Price)

[Telegram]

WASHINGTON, *October 18, 1918, 9 p. m.*

Your September 18, 2 p. m. It would seem desirable for best interests of Panama that an article authorizing land holdings of alien enemies in Panama to be sold and title conveyed, should be incorpo-

¹ Not printed.

rated in the Panaman legislation. American Alien Property Custodian has power under Enemy Trading Act to sell real property in United States belonging to persons defined as enemies by section 2 of act, or proclamations issued thereunder, but the disposition of the proceeds of such sales is left for the decision of Congress. As yet Congress has not determined the disposition of such proceeds.

LANSING

File No. 763.72112/10814

The Minister in Panama (Price) to the Secretary of State

No. 2158

PANAMA, November 5, 1918.

[Received November 20.]

SIR: In accordance with the Department's cablegram of October 18, 9 p. m., that it would seem advisable that in the trading with the enemy act under consideration by Panama provisions be included authorizing land holdings to be sold and title conveyed, I have submitted to the Panaman Foreign Office an amended bill, containing these provisions. Maj. Ira K. Wells, Judge Advocate on the staff of Brig. Gen. R. M. Blatchford, commanding the Panama Canal Department, had charge of drawing the amendments after my presentation of the matter to him. I have the honor to enclose (enclosure No. 1¹) a copy of my note to Secretary Lefevre submitting them. I enclose also (enclosure No. 2¹) a copy of the proposed bill, including said additions. They are incorporated as sections 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14 in the draft of the bill which constitutes a part of enclosure No. 1 with my despatch No. 1923 of April 24, 1918,¹ which was corrected by the incorporation of the subsection reported in my despatch No. 2109 of September 30, 1918.¹ With these additions inserted under the section numbers mentioned, section No. 5 in the draft accompanying said despatch No. 1923 becomes section 15 in the present draft.

I now refer to another despatch in this mail¹ relating to the steps being taken to sell for taxes and lawyers' fees the lands on Puerto Piñas Bay, which have been owned by Germans under the name of the Balboa & Pacific Estates Co., Ltd., and managed by Augusto Dzuik, now an inmate of an internment camp in the United States.

With the very satisfactory progress of the war in late weeks the question has presented itself as to whether further steps along the line of this bill were worth while, but in view of the protracted length of time required to put through any measure like this in Panama, it seemed just as well to submit it, and, if passed, to decide

¹ Not printed.

later whether we thought best to put into motion the machinery making efficient the work of the alien property custodian.

It will be noted that his selection is to be by President of Panama, "with the concurrence of the Chairman of the War Trade Board of the United States."

I have [etc.]

WM. JENNINGS PRICE

File No. 763.72112/10987

The Minister in Panama (Price) to the Secretary of State

No. 2179

PANAMA, November 20, 1918.

[Received December 5.]

SIR: Referring to my despatch No. 2158 of November 5, with which I sent a copy of a new draft of the enemy trading bill proposed to Panama, including provisions for an alien property custodian, and authority to sell real estate and convey titles, I have the honor to enclose (enclosure No. 1) a translation of a note from the Panaman Foreign Office acknowledging the receipt of the proposed bill, but expressing the opinion that inasmuch as the war has virtually ended, the adoption of such a law is entirely unnecessary.

It would seem that the opinion of Secretary Lefevre is well taken, and I shall await further instructions from the Department before asking additional action at the hands of the Panaman authorities.

I have [etc.]

WM. JENNINGS PRICE

[Enclosure—Translation]

The Panaman Minister of Foreign Affairs (Lefevre) to the American Minister (Price)

S.P. No. 2246

PANAMA, November 20, 1918.

MR. MINISTER: I have had the honor to receive the courteous communication of Your Excellency, F.O. 696, of the 5th instant, together with which you transmit a rough copy of a project of law relative to "trading with the enemy," which contains a few amendments and additions to the one which that Legation sent me previously, expressing in due time the opinion of the military authorities of the Panama Canal, that the adoption of such a law by the National Assembly of Panama would be very beneficial to the interests of Panama and the United States in the present war.

I have read said project with great interest, but, since the war has virtually ended and the signing of peace is near, I believe that the adoption of such a law by our Assembly under the present circumstances would be absolutely unnecessary.

I improve this opportunity [etc.]

E. T. LEFEVRE

Peru: The Casa Grande Sugar Plant

File No. 763.72112C26/51

The Peruvian Legation to the Department of State

MEMORANDUM

WASHINGTON, January 25, 1918.

The Legation has been instructed to place before the Department of State, as it hereby has the honor to do, the following facts, with the purpose of seeking a practical understanding whereby the Casa Grande Sugar Plant, established in the valley of Chicama, Peru, may not be forced to close its works, with great detriment to the region in which it operates.

The Casa Grande Sugar Plant, owned and worked by German capital, has been placed on the trading with the enemy list; and in consequence thereof finds it impossible to discount the drafts received in payment of sugar shipped to Chile. Owing to this situation, it will be obliged to close its works, thereby dismissing about 10,000 laborers and employees at present engaged in its service. The sudden and enforced inactivity of such a large number of men would cause unrest and disturbances, social and economic; the general production of sugar in Peru would be curtailed; and, incidentally, the Peruvian Treasury would be deprived of a not negligible source of revenue, through nonpayment of export duties for sugar shipped by the Casa Grande Plant.

In view of these facts, it would seem advisable that an agreement be reached by the Government of Peru and the Government of the United States, whereby the purposes of the Trading with the Enemy Act be not defeated, and unnecessary suffering be not imposed upon the Government and people of Peru.

It should not be impossible to find a means enabling the Casa Grande Plant to continue its operations, without aiding the enemy.

Were the Government of Peru to exact that the net earnings of the Casa Grande Plant be deposited in Peru until after the war, with all necessary guaranties, the object desired apparently would be attained.

The Government of Peru proposes this plan, as one which seems feasible and fair; but it is willing to accept any suggestion from the Government of the United States which might answer the purposes of the Trading with the Enemy Act, and at the same time permit the Casa Grande Plant to discount the drafts received in payment of its sugar, and thereby to continue operating its works.

File No. 763.72112C26/14

The Peruvian Minister (De Freyre) to the Secretary of State

WASHINGTON, *February 27, 1918.*

[*Received February 28.*]

SIR: After the exchange of views effected between the Legation and the Department of State, with the purpose of reaching an agreement whereby the Casa Grande Sugar Plant, a firm incorporated at Bremen, Germany, and established in Peru, should be permitted to discount the drafts it receives in payment of sugar shipped to Chile, and thereby to continue its operations, I have been instructed to state, as I hereby have the honor to do, that my Government is disposed, with the consent of the Casa Grande Sugar Plant, to appoint an administrator with full powers to conduct the business of the Plant.

The control exerted by this administrator will include the authority to retain or dismiss the German employees at the Plant, according to the attitude they may assume with regard to American interests.

The administrator will also have full powers to sell the shares, which the firm should be willing to dispose of, and the proceeds of this sale will be deposited in the Peruvian Treasury until after the termination of the war.

The net earnings of the Plant will also be deposited in the same form and for the same period.

In consideration of these measures, which would seem fully to answer the requirements of the United States Government that no possible aid should be given her enemies, a license shall be issued by the competent authorities in the United States, whereby the Casa Grande Sugar Plant shall be permitted to discount the drafts it receives in payment of sugar shipped to Chile.

Accept [etc.]

M. DE FREYRE

File No. 763.72112C26/21

*Memorandum of the Chief of the Division of Latin American Affairs
(Stabler)*

March 19, 1918.

The Minister from Peru called by appointment to see Mr. Stabler this afternoon and informed him that Mr. Lay¹ had spoken with him in the morning in regard to the regulations under consideration

¹Julius G. Lay, Acting Foreign Trade Adviser for the Department of State.

by the War Trade Board for the granting of licenses to banks to trade with the "Casa Grande" Sugar Co. in Peru, and that Mr. Lay had told him that, while the matter was almost settled, there were some points which were under discussion and that he felt that, should the Government of Peru give a favorable reply in regard to the turning over to the United States of the ex-German ships in Peruvian waters,¹ the matter of the "Casa Grande" would be facilitated thereby.

The Peruvian Minister informed Mr. Stabler that he thought possibly the Peruvian Government was holding up definite action in the matter of the ships until a favorable reply had been received from the United States in regard to the "Casa Grande" and that he was in a quandary as to what course to pursue as he felt that public opinion in Peru was difficult to deal with, and earnestly hoped that both questions would be settled in a manner satisfactory to the two countries.

Mr. Stabler informed Mr. Freyre that he was not fully cognizant of all of the details of the War Trade Board's attitude in regard to the "Casa Grande," but tried to present to that Board the political side of the case in an endeavor to have the wishes of Peru met as much as possible. He further stated that the Department would be placed in a much more advantageous position to deal with the War Trade Board should a favorable reply be received from the Government of Peru in the near future regarding the ships.

The Peruvian Minister then informed Mr. Stabler that he would cable his Government to the effect that should the proposal of the United States Shipping Board, for the use of the ships, be accepted in principle, the War Trade Board would give a favorable answer to the "Casa Grande" question.

Mr. Stabler informed the Minister that he thought probably this would be of advantage and that, should a favorable reply be received in the near future, the State Department's hand would be strengthened, and he would do all in his power to see that the Government of Peru received treatment which he wished.

File No. 763.72112C26/39

The Peruvian Legation to the Department of State

MEMORANDUM

WASHINGTON, April 27, 1918.

[Received April 29.]

The Legation has the honor to request that the long-deferred settlement of the difficulties arising from the restrictions placed by

¹ For correspondence regarding these ships see Supplement 1, vol. I, "Latin America in Relation to the War," pp. 661-740.

the United States Government upon the discount of drafts by the Casa Grande Sugar Plant, be expedited, if possible without further delay, and in accordance with the plan proposed, whereby an administrator appointed by the Peruvian Government would take full charge of the Plant, with power to dismiss employees, to deposit in the Peruvian Treasury until after the termination of the war the proceeds of the Plant, to prevent the actual owners of the Casa Grande Sugar Plant from raising funds on these deposits, and to dispose of the shares of the Plant, whenever the actual owners of these shares should wish to sell them.

The Government of Peru ascribes great importance to the prompt settlement of this question, in the first place, because, having met all the demands of the Government of the United States compatible with the laws of Peru in the matter, it feels that it should expect an equally conciliatory attitude on the part of the United States Government. Secondly, because public sentiment in Peru would be greatly perplexed at the refusal of a friendly Government to assist in preserving economical interests in Peru, when these interests are not harmful to those of the friendly Government. And thirdly, because of the great loss and trouble which the closing of the Casa Grande Sugar Plant would cause, as has been stated in detail on a former occasion.

If negotiations should exist, as it is understood, tending to the purchase of the Plant by a responsible concern agreeable to the United States Government, these negotiations, in the judgement of the Government of Peru, should not interfere with the immediate granting of the licenses required to enable the Plant to continue its operations, for, the conditions under which the licenses would be granted would permit to continue these negotiations and would even facilitate them.

The Legation, therefore, trusts that the Department of State will kindly hasten the favorable adjustment of the question, advising the Legation at its earliest convenience of its decision thereon.

File No. 763.72112C26/50A

The Secretary of State to the Peruvian Minister (De Freyre)

No. 158

WASHINGTON, May 6, 1918.

SIR: I have the honor to acknowledge the receipt of your note of February 27, 1918, in regard to your Government's desire that the Casa Grande Sugar Plant, a firm incorporated at Bremen, Germany, and operating in Peru, be permitted to discount the drafts it

receives in payment for sugar shipped to Chile, and thereby to continue its business.

I take pleasure in transmitting to you the reply of my Government as to whether an enemy trade license would be issued by this Government to permit American trade banks or bankers or their branches in Latin America to finance the marketing of Peruvian sugar in Chile by discounting the drafts of the Casa Grande Sugar Plant.

You will appreciate that the enemy character of the Casa Grande Plant and of its owners, so far as this Government is concerned, is clearly established under the terms of our statutes and has been evidenced by many acts committed in the interests of the Governments with which the United States is at war. Under the circumstances, it is with reluctance that this Government would contemplate any relaxation of the existing rules against the maintenance of trade relations between American individuals or corporations and the Casa Grande Estate and its owners.

Nevertheless, in view of the urgent request of the Government of Peru and as an evidence of the sincere friendship existing between the Government of Peru and the Government of the United States—if the Peruvian Government, with the consent of the Casa Grande Sugar Plant, will appoint an administrator who will take over the actual management and control of the business and property; and if such an administrator will possess the authority to dismiss German employees at the property, and if this power will be exercised in the case of any employees or any of the present owners of the Casa Grande Plant who, under American laws, are enemies of the United States; and if the net earnings of the plant will be deposited in the Peruvian Treasury until after the determination of the war between Germany and the United States; and if none of the sums so deposited with the Peruvian Treasury will be used as a basis of credit upon which the owners of the Plant may realize but if all such sums shall remain free, clear, and intact in the Peruvian Treasury—the Government of the United States is disposed to grant a temporary license which would permit American banks or bankers or their branches in Peru to finance the marketing of the Casa Grande sugar in Chile.

It is understood, however, that such a temporary license would be granted pending a prompt decision by the owners of the Casa Grande Estate as to whether they would authorize the Peruvian administrator of the Estate to make a sale of any or all of the shares of the corporation—or of the Estate itself should such a course seem preferable—in such a manner as would safeguard the interests of the present owners of the Plant.

Accept [etc.]

ROBERT LANSING

File No. 763.72112C26/62

*The Peruvian Minister (De Freyre) to the Secretary of State*WASHINGTON, *May 14, 1918.*

[Received May 16.]

SIR: In reply to your note of the 6th instant with reference to the conditions under which the United States Government is disposed to grant a temporary license which would permit American banks or bankers, or their branches in Peru, to finance the marketing in Chile of sugar pertaining to the Casa Grande Sugar Plant, I have the honor to inform you that my Government will promulgate an Executive order establishing the control of the Peruvian Government over the Casa Grande Sugar Plant, in conformity with the provisions contained in your aforementioned note.

Accept [etc.]

M. DE FREYRE

File No. 763.72112C26/65

*The Peruvian Minister (De Freyre) to the Secretary of State*WASHINGTON, *May 20, 1918.*

SIR: Supplementing the information contained in my note of the 14th instant with reference to the measures taken by my Government in regard to the Casa Grande Sugar Plant, I have the honor to advise you that my Government has given its approval to an agreement with the said Casa Grande Sugar Plant, whereby my Government will appoint a general administrator, who will effect the sales of the products of the Plant, will defray the expenses of its management, will deposit the balance to the order of my Government in the Caja de Depósitos y Consignaciones, and will also deposit therein the proceeds of the shares of the Plant, which their present owners may dispose of. These deposits will be retained by my Government until after termination of the war.

The Casa Grande Sugar Plant agrees moreover not to execute in any form any credit transaction based upon these deposits.

The general administrator, finally, will possess full authority to appoint and dismiss the employees of the Plant.

Mr. Emilio Althaus, former Minister of Foreign Affairs of Peru, has been appointed by my Government to be general administrator of the Casa Grande Sugar Plant.

As my Government has now complied with the conditions specified in your note of the 6th instant on the same subject, I have furthermore the honor to request that due notice be given to the proper officials of the United States Government that the sale and purchase of articles and products, and the discount of drafts, effected by the

general administrator appointed by my Government, be not subject to the restrictions existing against the maintenance of trade relations between American individuals or corporations, and enemy individuals or corporations.

Before concluding, I am instructed to express, as I hereby have the honor to do, that my Government appreciates to its full extent the friendly spirit displayed anew by the Government of the United States upon this occasion.

Accept [etc.]

M. DE FREYRE

File No. 763.72112C26/65

The Secretary of State to the Peruvian Minister (De Freyre)

No. 166

WASHINGTON, June 3, 1918.

SIR: I have the honor to acknowledge the receipt of your notes of May 14 and May 20, 1918, with reference to the measures taken by your Government in regard to the Casa Grande Sugar Plant.

I note that an administrator of the property has been appointed by your Government to effect the sale of its product to defray the expense of operation and to deposit the balance, if any, to the order of your Government in the Caja de Depósitos y Consignaciones. I remark also that the administrator will possess full authority to appoint and dismiss employees at the property.

May I express my regret that no decision appears to have been reached as yet by the owners of the Casa Grande Estate as to conferring upon the administrator appointed by your Government the authority to make an absolute *bona fide* sale of the shares thereof, or of the Estate itself should such a course seem preferable—a decision which the American Government considers most important to be reached at the earliest moment, as indicated in my note of May 6.

Nevertheless, in view of the sincere friendship entertained by my Government for the Government of Peru, so cordially reciprocated by your Government, I beg to inform you that the American Government will take the necessary steps for the issuance of a *temporary* license permitting American banks or bankers in Peru to facilitate the marketing of the Casa Grande sugar in Chile and that the War Trade Board has already instructed the Mercantile Bank of the Americas to apply for such a *temporary* license, pending the communication to your Government by the owners of the Casa Grande Estate of their decision to authorize the administrator to dispose of the shares or the property as indicated above.

In the interest of a clear understanding on this point, I beg to add that the continued delay of the owners of the Casa Grande Estate

in conferring such authority on the administrator will justify this Government in reconsidering the whole matter and in revoking without notice the licenses now to be granted.

As I have had the honor heretofore to indicate to you, it is contrary to the policy and interests of the United States to allow trade between this country and enemies of the United States, in respect to which stringent legislation has, as you are aware, been passed by the Congress of the United States.

Accept [etc.]

ROBERT LANSING

File No. 763.72112C26/84

The Peruvian Minister (De Freyre) to the Secretary of State

WASHINGTON, June 5, 1918.

[Received June 6.]

SIR: In reply to your note of the 3d instant referring to the conditions under which the licenses requested by my Government to permit the Casa Grande Sugar Plant to continue operating will be granted, and in order to dispel any misunderstanding, I have the honor to inform you that my Government fully comprehends that the agreement under which these licenses are granted is provisional, pending the declaration of the owners of the Casa Grande Estate authorizing the Peruvian administrator to dispose of their shares, in part or wholly, or of the property itself.

My Government has already notified the Casa Grande Sugar Plant that the administration thereof, established by the Peruvian Government, is temporary, pending the authorization of the actual owners of the Estate, to be given promptly to the Peruvian administrator, that a sale be made by the said administrator of their shares or of the property itself. Moreover, the agreement between my Government and the Casa Grande Sugar Plant, referred to in my note of the 20th ultimo, declares such an agreement to be provisional, stipulating in its last clause that the agreement will be concluded when the Peruvian Government so resolves, after giving a 15-days' previous notice.

In order, however, that the administrator appointed by the Peruvian Government may take over the actual management and control of the business, as required in your note of the 6th ultimo, he must be able to make a sale of the products of the Plant and to purchase the articles necessary for the maintenance thereof; and consequently he should not be subject to the restrictions imposed upon him at present. Nor would it be acceptable, nor in conformity with the friendly purposes of the United States Government, as expressed in your aforementioned note of May 6, 1918, that the administration

of the Casa Grande Sugar Plant, established by the Peruvian Government, be practically included in the United States trading with the enemy list. With a license to discount drafts received in payment of sugar and with no facilities to transport or dispose of the sugar, the Peruvian administrator would be placed in a sorry plight, which evidently was not intended by the United States Government. Neither could it be the purpose of the United States Government to recognize an administrator who, being denied the necessary means to maintain and operate the Plant, would be unable to discharge his duties.

I, therefore, have the honor to renew the request contained in my note of May 20, 1918, that due notice be given the proper officials of the United States Government that the sale and purchase of articles and products and the discount of drafts, effected by the general administrator appointed by my Government, be not subject to the restrictions existing against the maintenance of trade relations between American individuals or corporations, and enemy individuals or corporations.

My Government thoroughly appreciates the spirit in which the Government of the United States has acceded to its request in the matter, and trusts that in order to make these concessions fully effective, all the necessary facilities will be granted the Peruvian administrator of the Plant to operate it, pending the authorization of the owners thereof, to dispose through the said administrator, of their shares in the property or of the property itself.

Accept [etc.]

M. DE FREYRE

File No. 763.72112C26/84

The Secretary of State to the Peruvian Minister (De Freyre)

No. 172

WASHINGTON, June 18, 1918.

SIR: I have the honor to acknowledge the receipt of your note of the 5th instant with reference to the provisional license granted to the Mercantile Bank of the Americas and its correspondents in Peru, whereby the operation of the statute of the United States known as the Trading with the Enemy Act, is suspended in order to permit this bank to finance shipments to Chile of sugar produced at the Casa Grande, a German-owned estate.

I note your request that the sale and purchase of articles and products and the discount of drafts, effected by the general administrator of the Estate appointed by your Government, be not subject to the restrictions existing against the maintenance of trade relations between American individuals or corporations and enemy individuals or corporations.

I beg to assure you that this Government is desirous of acceding to the request of the Peruvian Government in so far as may be compatible with the interests of the United States, and of making effective the provisional license which it has granted in connection with the shipment of Casa Grande sugar to Chile.

This Government has also taken such steps as were within its power to facilitate the actual transportation to Chile of certain quantities of sugar produced at the Casa Grande Estate, in addition to issuing the license already granted to permit the financing of these shipments. The Mercantile Bank has been authorized by this Government, if it shall be so requested by the administrator of the Casa Grande Estate, to finance the shipments of sugar which have been carried or are to be carried by the steamships *Rancagua*, *Iquitos* and *Elizabeth*, and other carriers during the period of the temporary license. This Government has further authorized the American Minister at Lima to make public announcement to American citizens in the Republic of Peru that the transportation of sugar now under way or to take place during the period of the temporary license by the steamships *Iquitos* and *Elizabeth* or any other carrier is considered by this Government to come within the spirit of the temporary license already granted to the Mercantile Bank, and that this Government will not, on account of these transactions, regard these vessels or the owners or masters thereof as subject to any restriction, in obtaining American facilities, which might be imposed by this Government on account of their having engaged in the carriage of enemy property.

It is, therefore, not clear to my Government, that any additional steps other than those mentioned above are required to insure the actual exportation of the sugar from Peru to Chile and my Government deems it undesirable and unnecessary to grant permission to those who owe allegiance to the United States to resume other commercial relationships with the Casa Grande Estate so long as this Estate is owned by persons classed as enemies by the legislation of the United States.

I am, however, constrained to call your attention most urgently to the fact that, although this Government, at the request of the Government of Peru, has thus gone so far as to suspend the effect of the Enemy Trading Act in the case of exportation of sugar to Chile from the Casa Grande Estate, as evidenced by the foregoing and my notes of May 6 and June 3, and as to facilitate the actual transportation of the sugar from there to Chile as cited above, the owners of the Casa Grande Estate have not as yet so far as I am advised, conferred a power of sale upon the administrator, as specifically referred to in my notes above cited, although it would seem that ample time for this purpose had already elapsed.

I am, therefore, under the necessity of advising you that, unless within 15 days from today the owners of the Casa Grande Estate shall have conferred upon the administrator full and complete authority to make an absolute and *bona fide* sale of the Estate, which was one of the conditions under the terms of my note of June 3 upon which the continuance of the above-mentioned temporary license was made to depend, this Government will be obliged to revoke the license already granted and to cancel from that date any and all suspensions of the effects of its statutes as applied to all vessels, their masters or owners, as well as to any other person, who shall thereafter participate in the transportation of such sugar.

Accept [etc.]

ROBERT LANSING

File No. 763.72112C26/110

The Peruvian Minister (De Freyre) to the Secretary of State

WASHINGTON, July 10, 1918.

[Received July 11.]

SIR: Acting under instructions from my Government, I have the honor to inform you that the representatives in Peru of the Casa Grande Estate have delivered to the American Mercantile Bank at Lima a cablegram addressed to the directory of the firm at Bremen, requesting full power to dispose of the Estate.

In your note of May 6, 1918, you kindly advised me that a temporary license would be granted, permitting American banks or bankers, or their branches in Peru, to finance the marketing of Casa Grande sugar in Chile, pending, among other conditions, a prompt decision by the owners of the Casa Grande Estate as to whether they would authorize the Peruvian administrator of the Estate to make a sale of any or all of the shares of the corporation—or of the Estate itself should such a course seem preferable—in such a manner as would safeguard the interests of the present owners of the Plant.

As my Government holds that the attitude of the representatives in Peru of the Casa Grande Estate should be considered as a manifestation of a decision to make a sale of the property, such as required by your aforementioned note of May 6, 1918, I am furthermore instructed to request that the provisional administration of the Estate established by my Government be permitted to continue operating the Plant under a license from your Government, since all the provisions stipulated by you have been, in my Government's judgement, fully complied with.

Accept [etc.]

M. DE FREYRE

File No. 763.72112C26/119

The Peruvian Minister (De Freyre) to the Secretary of State

WASHINGTON, July 27, 1918.

[Received July 29.]

SIR: I am instructed by my Government to advise you, as I hereby have the honor to do, that my Government has resolved to terminate the administration it had established at the Casa Grande Sugar Plant, in view of the fact that the owners of the Estate do not seem prepared to give the Peruvian administrator full power to dispose of the property in the unconditional form required by the Government of the United States.

I have furthermore the honor to inform you that, in conformity with what was agreed in the matter, the net earnings of the Plant, proceeding from sales effected under my Government's administration, will be deposited in the Caja de Depósitos y Consignaciones.¹

Accept [etc.]

M. DE FREYRE

File No. 763.72112C26/110

The Secretary of State to the Peruvian Minister (De Freyre)

No. 195

WASHINGTON, August 8, 1918.

SIR: I have the honor to refer to your note of July 10, 1918, with reference to the request of your Government that the provisional administration of the Casa Grande Estate be permitted to continue operating under a license of this Government, and to your note of July 27, 1918, stating that your Government has resolved to terminate the administration which was established at the Casa Grande Sugar Plant, and to inform you that the Department understands that the request made in your note of July 10 is withdrawn in view of the information contained in your subsequent note referred to.

Accept [etc.]

For the Secretary of State:

WILLIAM PHILLIPS

¹ On Apr. 12, 1920, the Secretary of State informed the Appointed Ambassador of Peru that "this Government does not object to the delivery of the funds in question to their legitimate owners." (File No. 311.625D18/5.)

IV

TRADING WITH THE ENEMY

TRADING WITH THE ENEMY AND WITH ALLIES OF THE ENEMY

File No. 811.712/65

*Order No. 212 of the Postmaster General (Burlison)*¹

WASHINGTON, April 6, 1917.

In consequence of the state of war now existing, the suspension of the exchange of postal money orders between the United States and the German Empire is hereby directed.

Postmasters at all international money-order offices will govern themselves accordingly. On and after this date they should refuse to issue orders on post offices in the German Empire or any of its colonies or dependencies. They should also decline to pay orders drawn upon them by German offices on or after the 6th day of April.

A. S. BURLISON

File No. 811.712/65

*Order No. 211 of the Postmaster General (Burlison)*¹

WASHINGTON, April 7, 1917.

Ordered that, during the continuance of hostilities between the United States and Germany, no letters, packages, or other mail matter originating within the United States or its possessions and destined for Germany, or addressed to any post office, port, or other place within the jurisdiction of Germany, or to any person residing within the jurisdiction of Germany, shall be dispatched from the United States to their said destination; provided, however, that nothing herein contained shall be construed to authorize the seizure or detention of any foreign closed transit mails for Germany originating in other foreign countries or originating in Germany and destined for any other foreign country (not her colony or dependency) while in transit over territory of the United States, which closed mails should be returned by the United States exchange office first receiving them to the country whence received accompanied by

¹ From the *Daily Bulletin of Orders Affecting the Postal Service*, Apr. 7, 1917.

a bulletin of verification stating that the United States can not act as intermediary for the forwarding of such mails.

That for the purpose of executing this order postmasters at post offices of the United States and its possessions are hereby instructed to send to the Division of Dead Letters, Post Office Department, Washington, D. C., for return to the senders or other appropriate disposal, all mail matter prohibited dispatch as above indicated.

This order is hereby made to include all mail matter destined for Germany now remaining in the United States and its possessions, and that which may be mailed or received hereafter.

Postmasters will cause due notice of the foregoing to be taken at their offices and until otherwise instructed refuse to accept for mailing any mail matter destined for delivery in Germany.

In view of the fact that under existing conditions mail for Austria, Hungary, Luxembourg, Bulgaria and Turkey requires transit through Germany, to which country mail service from the United States is now suspended, mail *for* those countries will be treated, until otherwise ordered, in the manner herein prescribed for mail destined for Germany; but mail *from* those countries received in the United States will be dispatched to destination.

A. S. BURLESON

File No. 763.72112/3475

The Consul General at Rio de Janeiro (Gottschalk) to the Secretary of State

[Telegram]

RIO DE JANEIRO, *April 10, 1917, 6 p. m.*

[*Received 11.05 p. m.*]

Lloyd Brasileiro inquires whether its northbound shipping will be hindered delivering cargo from German shippers in Brazil or to German consignees in our country.

GOTTSCHALK

File No. 763.72112/3475

The Secretary of State to the Consul General at Rio de Janeiro (Gottschalk)

[Telegram]

WASHINGTON, *April 12, 1917, 5 p. m.*

Your April 10, 6 p. m. You may inform Lloyd Brasileiro Department knows of no legal obstacle to the transaction to which they refer. Point out, however, that this statement of Department is, of course, made in contemplation of existing conditions only.

LANSING

File No. 763.72112/3457

*The Secretary of State to Messrs. Berliner, Strauss & Meyer,
New York City*

WASHINGTON, April 13, 1917.

GENTLEMEN: The Department has received your letter of April 2, 1917,¹ wherein you seek information as to whether, in the state of war existing between this country and Germany, you may trade with persons of German origin in Mexico, Central America and South America.

The Department cannot undertake to enter into a discussion at this time of the matters referred to in your letter, but may refer you to the following cases: *Janson v. Driefontein Consolidated Mines, Ltd.*, L.R. (1902) A.C. 484, 505; *Kershaw v. Kelsey* (1868), 100 Mass. 561; *Montgomery v. United States*, 15 Wall. 395; *Briggs v. United States*, 143 U.S. 346; *Williams v. Paine*, 169 U.S. 55.

It may be further observed that the Department cannot, of course, advise you as to any laws that may be enacted in the future by this Government or the Government of Germany affecting the nationals of the respective countries with reference to their commercial activities.

I am [etc.]

For the Secretary of State:

FRANK L. POLK

Counselor

File No. 763.72112/3464

The Secretary of State to the Cummer Lumber Co., Jacksonville, Fla.

WASHINGTON, April 17, 1917.

GENTLEMEN: The Department has received your letter of April 4, 1917,¹ wherein you state that you have contracts for the delivery of phosphate rock with Messrs. H. J. Merck & Co., of Hamburg, Germany; that these contracts were all made prior to the beginning of the European war; that the delivery has been suspended from time to time under a war clause in the contract; that you have made no new contracts since March 3, 1914, except on February 13, 1916, when you agreed to an extension of 69,743 tons (which had been automatically canceled) until the end of the war; and that you would like to be advised as to what you should do with reference to these contracts.

¹ Not printed.

You doubtless appreciate that it would not be possible for you to carry on transactions of the character referred to in your letter during the existence of war between this country and Germany.

The matter of future commercial relations between your company and your German customers is one in regard to which the Department is not in a position to advise you.

As of possible interest to you, the Department may call your attention to the following cases: *Montgomery v. The United States*, 15 Wall. 395; *Scholefield v. Eichelberger*, 7 Pet. 586; *Kershaw v. Kelsey*, 100 Mass. 561.

I am [etc.]

For the Secretary of State:

FRANK L. POLK

Counselor

File No. 763.72112/3491

The Secretary of State to Mr. Emil Schwarz of Messrs. Benjamin Schwarz & Sons, New York City

WASHINGTON, April 19, 1917.

SIR: The Department has received your letter of April 11, 1917,¹ wherein you state that you are a citizen of the United States; that for many years past you have conducted business in New York City in copartnership with several non-resident subjects of Austria-Hungary; that the active management of the business is solely in your hands and its operation is wholly in the United States; that your partners have contributed a certain amount of money to the copartnership capital, but take no active part in the management of the business, but receive a percentage of the profits for their contribution to the copartnership capital; that the firm's business is the purchase and sale of merchandise; and that you desire, if possible, to continue business in the future in the same manner, as without the use of the capital contributed by your partners and the use of their credit, you will be seriously hampered in the operation of the business. Accordingly, you ask whether your rights or the rights of the firm, either in outstanding accounts or in the future operations of the business of the continental United States, are affected by the severance of diplomatic relations between the United States and Austria-Hungary, or will be affected in the event of war between the two countries.

It does not appear to the Department that the severance of diplomatic relations between the two Governments can, from a legal standpoint, affect the affairs of your firm to which you refer. The

¹ Not printed.

Department may call your attention to the rule generally enunciated by American courts that the effect of war is to dissolve a partnership between nationals of hostile nations. With respect to this matter the Department may refer you to the following cases: *The William Bagaley*, 5 Wall. 377; *Matthews v. McStea*, 91 U.S. 7; *Griswold v. Waddington*, 16 Johns. 438.

I am [etc.]

For the Secretary of State:

FRANK L. POLK

Counselor

File No. 763.72112/3515

The Consul at Guadalajara (Silliman) to the Secretary of State

[Telegram]

GUADALAJARA, April 21, 1917, 4 p. m.

[Received April 22, 3 a. m.]

German buyer from here *en route* to the United States was turned back at the border recently. German dealers here are becoming concerned as to whether they can place orders in United States.

SILLIMAN

File No. 763.72112/3489

The Secretary of State to Mr. Jay Zeamer, New York City

WASHINGTON, April 25, 1917.

SIR: The Department has received your letter of the 11th instant¹ in which you state that as an American commercial traveler you are about to make a business trip abroad and that you desire to receive whatever suggestions the Department might consider advisable in connection with business relations with German houses in foreign countries, many of which have been of years' standing.

In reply I have to say that the Government has under consideration a proposed Congressional enactment intended to define the disabilities of persons in the United States with regard to commercial intercourse with enemy nationals. At present the Department can only refer you to the discussion of the effect of war upon commercial relations of enemy nationals contained in Moore's *International Law Digest*, volume 7, page 237, *et seq.* The Department may call your particular attention to the following cases: *Montgomery v. The United States*, 15 Wall. 395; *Scholefield v. Eichelberger*, 7 Pet. 586; *Kershaw v. Kelsey*, 100 Mass. 561.

¹ Not printed.

The Department knows of no legal obstacle, so far as the laws of this country are concerned, to commercial transactions between American citizens and German subjects domiciled in neutral countries. However, you will, of course, understand that this statement on the part of the Department is made in contemplation of present conditions only.

I am [etc.]

For the Secretary of State:

ALVEY A. ADEE
Second Assistant Secretary

File No. 763.72112/3515

The Secretary of State to the Consul at Guadalajara (Silliman)

[Telegram]

WASHINGTON, April 28, 1917, 4 p. m.

Your April 21, 4 p. m. For your information, Department cannot assist Germans in Mexico in trading with the United States if such trade is inimical to the interests of the United States in Mexico, or if it is carried on directly or indirectly for the benefit of Germany. The Administration and Congress have under consideration measures which will cover this situation, and which may be retroactive in their effect. Until they are enacted into law it is advisable for alien enemies in Mexico to proceed with the greatest caution in their trade with the United States.

As bearing on general question of commercial intercourse between nationals of hostile nations see Moore's *International Law Digest*, volume 7, page 237, *et seq.*

LANSING

File No. 763.72113/362

The Secretary of State to Representative George Huddleston

WASHINGTON, May 15, 1917.

SIR: I have the honor to acknowledge the receipt of your letter of May 7,¹ in which you inquire whether it would be proper and legal for one of your constituents to purchase certain German and Austrian Government bonds, coupons, and bank notes, which are owned and offered for sale by American citizens.

The Department understands that you desire to be informed whether it would be lawful for a banker in the United States to purchase from an American citizen bonds and bank notes of the German and Austrian Governments.

¹ Not printed.

In reply I have the honor to inform you that there would appear to be no legal obstacle to a transaction between American citizens involving securities of the German and Austrian Governments, provided the securities are lawfully in this country.

I have [etc.]

ROBERT LANSING

File No. 763.72113/363

The Secretary of State to the Hercules Powder Co., Wilmington, Del.

WASHINGTON, May 23, 1917.

GENTLEMEN: The Department has received, by reference from the Post Office Department, your letter to the Secretary of the Treasury, dated May 4, 1917,¹ wherein you make inquiry as to whether you should make any further payments to the Vereinigte Koln Rottweiler Pulverfabriken, of Berlin, Germany, which concern, you state, is one of your stockholders.

You are doubtless aware that the existence of a state of war between the United States and Germany is regarded as making illegal all intercourse between residents of the respective countries. It may also be stated, for your information, that the Administration and Congress have under consideration measures having for their object the prevention of trade, directly or indirectly, with, on behalf of, for the benefit of, or on account of, any person residing in Germany, or residing in a neutral country and doing business in Germany, and that in these circumstances, it is advisable for persons in the United States to proceed with caution in their transactions with persons of German nationality, at least until the present situation is cleared up by definite action by Congress. As bearing on the general question of commercial intercourse with the enemy, the Department may refer you to Moore's *International Law Digest*, volume 7, page 237, *et seq.*

I am [etc.]

For the Secretary of State:

FRANK L. POLK

Counselor

File No. 862.20222/21

The Secretary of State to the Minister in Panama (Price)

[Telegram]

WASHINGTON, June 1, 1917, 3 p. m.

Your April 13, 2 p. m.¹ All trading, directly, indirectly, with, for or on behalf of, or for benefit of persons in Germany should be pre-

¹ Not printed.

vented, and ships engaged in it should be penalized or held or controlled by refusal of necessary supplies. The proposed enemy trading act and exports control act, it is expected, will give United States authority to do this in United States ports.

LANSING

File No. 763.72112/3680

*The Secretary of State to the Fidelity and Casualty Co. of New York
(Frank E. Law, Vice President)*

WASHINGTON, June 2, 1917.

SIR: The Department has received your letter of May 23, 1917,¹ wherein you state that the question has arisen whether your company has the right to make payments to beneficiaries in Germany under the workmen's compensation and other policies, and that you would like to be advised in this relation.

In reply you are informed that the existence of war between the United States and Germany is regarded as making illegal all commercial intercourse between residents of the two countries. Therefore, the payment of funds to German beneficiaries in Germany apparently could not, during the continuance of the present conditions, legally be made by you, either directly or through the agency of the Swiss Consul at New York.

As bearing on the general question of commercial intercourse with the enemy, the Department may refer you to Moore's *International Law Digest*, volume 7, page 237, *et seq.*

I am [etc.]

For the Secretary of State:

WILLIAM PHILLIPS
Assistant Secretary

File No. 763.72112/3702

*The Secretary of State to the Edgar Improvement Co.,
Brooklyn, N. Y.*

WASHINGTON, June 9, 1917.

GENTLEMEN: The Department has received your letter of May 26, 1917,¹ in which you state that some years ago you agreed to pay to Philip Mansch who resides in Austria \$400 quarterly as long as he lived, and ask to be advised whether or not you should remit to him and if you remit whether you would do something contrary to the best interests of this country.

¹ Not printed.

In reply you are informed that the Department perceives at the present time no obstacle to the remittance of these funds.

I am [etc.]

For the Secretary of State:

ALVEY A. ADEE

Second Assistant Secretary

File No. 763.72112/3844

The Secretary of State to the Attorney General (Gregory)

WASHINGTON, July 2, 1917.

SIR: I have the honor to acknowledge the receipt of your letter of June 18, 1917,¹ enclosing a copy of one from the United States Attorney at New York respecting a proposed payment by the National City Bank of New York to Hallgarten & Co., of that city, for the account of the Niederosterreichische Escompte Gesellschaft, Vienna, together with copies of a letter from Hallgarten & Co. to the United States Attorney at New York, concerning the matter, a telegram from the Niederosterreichische Escompte Gesellschaft to Hallgarten & Co., and a statement of the account of that concern with Hallgarten & Co.

Your letter states that, before replying to the letter of the United States Attorney in regard to this matter, the Department of Justice would be glad to have a statement from this Department as to whether or not such payment would be in any way undesirable from a diplomatic standpoint.

In reply I have the honor to say that, inasmuch as it appears that the proposed transaction merely contemplates the transfer from one American concern to another, both of which are resident in New York City, of a credit of \$400,000, and does not involve commercial intercourse of any character with persons in Germany, there would seem to be no legal inhibition of the transaction in question. The Department does not, therefore, consider that it would be "undesirable from a diplomatic standpoint."

Since, however, the Special Assistant United States Attorney at New York states that this is the first transaction of this character which has come to his attention, the Department would suggest that it might be appropriate to call to his attention the rule enunciated by American courts to the effect that all commercial intercourse between enemy countries is illegal; to the bill (H.R. 4704) with regard to trade with the enemy which is now pending before Congress; and as bearing on the general question of commercial intercourse with

¹ Not printed.

the enemy, to Moore's *International Law Digest*, volume 7, page 237, *et seq.*, and particularly to the following cases: *Montgomery v. United States*, 15 Wall. 395; *Scholefield v. Eichelberger*, 7 Pet. 586; *Kershaw v. Kelsey*, 100 Mass. 561.

I have [etc.]

For the Secretary of State:

WILLIAM PHILLIPS

Assistant Secretary

File No. 763.72112/3972½

The Secretary of State to Mr. Jules Charmatz, New York City

WASHINGTON, July 13, 1917.

SIR: The Department acknowledges the receipt of your letter of June 11, 1917,¹ enclosing an advertisement which appeared in a Polish paper and a translation of the same.

In reply to the inquiry contained in your last paragraph the Department may invite your attention, in this relation, to the rules enunciated by the courts of the United States to the effect that all intercourse between residents of enemy countries is illegal; to the bill (H.R. 4704) with regard to trade with the enemy which is now pending before Congress; as bearing on this same general question to Moore's *International Law Digest*, volume 7, page 237, *et seq.*, and particularly to the following cases: *Montgomery v. United States*, 15 Wall. 395; *Scholefield v. Eichelberger*, 7 Pet. 586; *Kershaw v. Kelsey*, 100 Mass. 561.

It is the opinion of the Department that the transmission of funds from residents of this country to residents of territory under enemy occupation is illegal.

I am [etc.]

For the Secretary of State:

WILLIAM PHILLIPS

Assistant Secretary

File No. 763.72112/4040

The Secretary of State to the Safe Deposit and Trust Co. of Baltimore (Arthur C. Gibson, Assistant Secretary)

WASHINGTON, July 26, 1917.

SIR: The Department has received your letter of July 16, 1917,¹ in which you state that your company is the trustee, under the will of the late John King, of Baltimore; that one of his daughters, who

¹ Not printed.

is the recipient of a share of the income under the will, is the wife of Baron de Giskra, who is in the Austro-Hungarian diplomatic service and until recently was connected with the Austrian mission at The Hague; that your present information is to the effect that the Baroness de Giskra is in Switzerland; and that you wish to be advised whether, under the existing state of affairs, a payment of the income to her, provided she is in Switzerland, would be permissible.

The Department regrets that it is unable to advise you as to the transactions described, owing to legislation now pending in Congress (H.R. 4960), having for its object the prevention, except under special license, of all commercial intercourse directly or indirectly by persons in the United States with persons in Germany, or an ally of Germany, or upon proclamation of the President, with persons of the nationality of any country with which the United States is at war, or an ally of such a country, wherever residing or doing business.

With respect to the general question of intercourse with the enemy, the Department may refer you to Moore's *International Law Digest*, volume 7, page 237. Reference may be made also to page 424 of the same volume. The publication referred to will doubtless be found available in any large public library.

The Department is not in a position to grant you authority to take action which would have the effect of contravening the provisions of the bill referred to, if enacted into law.

I am [etc.]

For the Secretary of State:

ALVEY A. ADEE

Second Assistant Secretary

File No. 195.2/1176

The Chairman of the Shipping Board (Hurley) to the Secretary of State

WASHINGTON, September 22, 1917.

[Received September 25.]

DEAR MR. SECRETARY: The Shipping Board desires that the Department of State communicate to the American Consul at Cartagena, Colombia, the information that the *Albingia* and the *Virginia*, two vessels of the Hamburg-American Line, now lying there, have been purchased by Edward F. Geer of New York City, an American citizen. The conditions of the contract of sale have been approved by the Department of Justice. Mr. Georg F. Dusterdieck is the agent of the Hamburg-American Line to deliver the ships at Carta-

gena to the representatives of the purchaser. I am informed that he is now on his way there for this purpose.

The conditions prescribed by the Department of Justice are these: that the purchase money be deposited in trust until the passage of the Trading with the Enemy Act, and after the passage of that act administered by the proper authorities, according to the terms of that act. These conditions have been made known to the Hamburg-American Line and are part of the contract of sale.

I will appreciate your instructing our Consul at Cartagena, so that he may understand the transaction and assist the representatives of the purchaser to secure the vessels.

Yours very truly,

EDWARD N. HURLEY

File No. 195.2/1207a

The Acting Secretary of State to the Chargé in Colombia (Belden)

[Telegram]

WASHINGTON, *September 28, 1917, 5 p. m.*

United States Government has approved sale of German steamers *Albingia* and *Virginia* now Cartagena by Hamburg-American Line to Edward Geer who has transferred them to Jason Navigation Corp., of New York. Geer has sent Captains Farrington and Edmonson to take delivery at Cartagena. They are due September 28, and Department has cabled Consul stating that Department of Commerce has asked that he be instructed to issue provisional registry to above-mentioned steamers, *Virginia* under name of *Jason* and *Albingia* under name of *Argonaut*. Should Colombian authorities make any objections to vessels leaving Cartagena under American flag, you may inform Government that sale and change of registry made with approval United States Government.¹

POLK

File No. 763.72112/4993

The British Ambassador (Spring Rice) to the Secretary of State

No. 344

WASHINGTON, *October 1, 1917.*

[*Received October 3.*]

MY DEAR MR. SECRETARY: From certain letters which have been intercepted by the British censorship (of which I can furnish you with photographic copies if desired) it appears that remittances are being sent to Austria-Hungary through the intermediary of the

¹ The Chargé replied Oct. 17: "Government accepted sale without comment and advised Colombian authorities Cartagena to make no objections to departure of vessels." (File No. 195.2/1236.)

Spanish Ambassador in Washington, although it is not established whether they are sent under cover of diplomatic privilege. In this connection I have been requested by my Government to ascertain what arrangements have been made by the United States Government in regard to the transmission of funds from this country to enemy and enemy-occupied territory. I should be very grateful if you would be so kind as to furnish me with the information for which my Government have asked.

It may be of interest to add that about three weeks ago the Governor-General of Canada informed me that the Spanish Ambassador in Washington was receiving remittances from Canada for transmission to enemy-occupied Russian territory. I brought this to the attention of Señor Riaño, adding that it was the understanding of the Canadian authorities that the only channel for such remittances authorized by the Treasury was Messrs. Thomas Cook & Son, whereupon he assured me that he would in future refuse to undertake the transmission of funds from Canada.

Believe me [etc.]

(For the Ambassador)

COLVILLE BARCLAY

File No. 763.72112/4993

The Secretary of State to the British Ambassador (Spring Rice)

WASHINGTON, October 17, 1917.

MY DEAR MR. AMBASSADOR: In reply to your confidential letter of October 1, I hasten to inform you that although this Department had previously granted provisional authority to certain firms and charitable organizations to send money, subject to the observance of certain conditions and limitations, to enemy-occupied territory, these authorizations have now, through the provisions of the so-called Trading with the Enemy Act, automatically become nullified and no such funds can be transmitted until licenses are obtained from the War Trade Board. I shall be happy to inform you if and when such licenses are granted.

With regard to the action of the Spanish Ambassador in Washington in sending funds abroad, I venture to inform you that he has been permitted to continue these remittances only at the special request of His Majesty the King of Spain, but that the Ambassador has already been asked to discontinue this practice as soon as the arrangements for this work have been completed and the necessary licenses obtained by the firms and charitable organizations which the Department proposes to recommend to the War Trade Board.

As regards the forwarding of money to enemy territory, this has been permitted up to the enactment of the Trading with the Enemy Act, in limited sums only, to American citizens who were either prevented from leaving such territory through good and sufficient reason, or to enable them to depart. Each case has been carefully examined by the Legation at Berne, based upon reports from the Spanish Embassy in Berlin, the final decision resting with the Department. The Department will await authorization from the War Trade Board before acting upon future remittances of this nature.

I am [etc.]

ROBERT LANSING

File No. 763.72112/5397.

The Swedish Minister (Ekengren) to the Secretary of State

Department of Austro-

Hungarian Interests

No. 1989/14

WASHINGTON, November 5, 1917.

[Received November 6.]

SIR: Since this Royal Legation has taken charge of Austro-Hungarian interests in the United States various requests have been received from persons in this country to forward remittances to relatives in great need of assistance in Austria-Hungary.

Such petitioners are advised that the Royal Legation does not transmit any money to Austria-Hungary but will accept the money for deposit only, and endeavor to have the competent Austro-Hungarian authorities extend aid to such relatives in distress up to the amount of the deposit.

In this connection I have the honor to inform Your Excellency that the total sum of money received for assistance of persons in Austria-Hungary by this Legation from April to the end of October amounts to \$16,165.95, which is on deposit at the Riggs National Bank in this city.

Inasmuch as this relief action might be considered under the "Trading with the Enemy Act" (sec. 5-b) as a form of transfer of credit to a foreign government and as this Legation is prompted to act only in cases of actual distress and for the cause of humanity, I beg to request Your Excellency to kindly intervene to the extent of having permission granted to this Legation to continue to accept money for the purpose above set forth.

Accept [etc.]

For the Minister:

PATRIK REUTERSWÄRD

File No. 763.72112/5610a

The Secretary of State to the Diplomatic and Consular Officers

No. 554

WASHINGTON, November 6, 1917.

GENTLEMEN: The Department encloses for your information, and invites your especial attention to, an act of Congress approved October 6, 1917, entitled "An Act to Define, Regulate and Punish Trading with the Enemy, and for Other Purposes;"¹ and an Executive order issued by the President on October 12, 1917, under the provisions of this act.²

In view of the fact that the administration of the act has by the Executive order mentioned been delegated to several boards and departments who are responsible for the practical application and interpretation of the act, and in view also of the serious consequences which may possibly result from ill-advised or conflicting interpretations of the act, the Department deems it advisable to caution you as to undertaking to interpret the provisions of this law and Executive order for those who may apply to you for information regarding them. In any particular case requiring the construction of the act, you will, if the importance of the case seems to warrant it, obtain the instructions of the Department before committing either yourselves or this Government in the matter.

I am [etc.]

ROBERT LANSING

File No. 763.72112/5633

The Consul General at Saloniki (Horton) to the Secretary of State

[Telegram]

SALONIKI, November 22, 1917, 5 p. m.

[Received November 23, 2.45 a. m.]

Does the Government of the United States approve American firms having business relations with local firms on the English-French black list as having Austrian, Bulgarian, or Turkish connections? If not, what advice can I give them as to avoiding existing contracts whose fulfillment subjects American companies to repressive measures of English and French authorities?

HORTON

¹ 40 Stat. L. 411, ch. 106.² *Foreign Relations*, 1917, Supplement 2, vol. II, p. 963.

File No. 763.72112/5741

The Secretary of State to the Consul General at Saloniki (Horton)

[Telegram]

WASHINGTON, *December 6, 1917.*

Your November 22. War Trade Board advises your question is covered by fact that Trading with Enemy Act applies to allies of enemy and that liability American firms in regard existing contracts would be determined by Greek laws but their liability cannot affect policy of War Trade Board.

LANSING

File No. 763.72112/5846

The Minister in Cuba (Gonzales) to the Secretary of State

[Telegram]

HABANA, *December 11, 1917, 1 p. m.*

[Received 2.15 p. m.]

Legation deluged with requests by Americans for interpretation of Trading with Enemy [Act]. British subjects in foreign countries not controlled by British black list. Are American corporations and Americans doing business in Cuba on the same footing toward American black list as if in the United States? May debts be collected from checks cashed on, and goods held in storage be delivered to blacklisted people by Americans?

There is pressing need of early elucidation.

GONZALES

File No. 763.72112/5663

The Secretary of State to the Consul General at Saloniki (Horton)

[Telegram]

WASHINGTON, *December 12, 1917.*

Your November 22. Enemy Trading Act appears to make unlawful for individuals or concerns in the United States, except with license, to trade or have any form of business or commercial communication or intercourse, or dealings directly or indirectly with any—

- (a) Individual or body of individuals of any nationality resident, or corporation incorporated within territory (including territory occupied by military or naval forces) of any nation at war with the United States, or an ally of such nation;

- (b) Individual or body of individuals of any nationality resident, or corporation incorporated, within any country other than the United States and doing business within such territory;
- (c) Enemy or ally-of-enemy government, or officer, official, agent, or agency thereof;
- (d) Individual or concern (regardless of nationality or residence) who there is reasonable cause to believe is conducting or taking part in trade directly or indirectly for, on account, on behalf, or for benefit of any above prohibited classes.

While, except with license, trade is prohibited everywhere with corporations incorporated under laws of Germany, Austria, or their allies, trade with nationals of such countries resident outside ally or enemy territory apparently not prohibited by act unless they fall within classes (b), (c), (d), or unless they are designated by presidential proclamation. President has not issued such proclamation.

The foregoing is a general statement of the law, but the Department or the proper branch of the Government may desire to consider particular cases in the light of their peculiar circumstances.

LANSING

File No. 763.72112/5397

The Secretary of State to the Swedish Minister (Ekengren)

No. 311

WASHINGTON, December 29, 1917.

SIR: Referring to your note of November 5, 1917, with reference to the acceptance of money by the Legation from persons in the United States who desire to send remittances to needy relatives in Austria-Hungary, I have the honor to inform you that a communication, dated December 20, has been received from the War Trade Board, which, under the provisions of the Trading with the Enemy Act, has jurisdiction over such matters, stating that much to its regret the application of the Legation to transfer credits to Austria-Hungary is denied.

Accept [etc.]

For the Secretary of State:

FRANK L. POLK

File No. 763.72112/5970

The Secretary of State to the Chargé in Costa Rica (Johnson)

[Telegram]

WASHINGTON, December 31, 1917, 3 p. m.

Your December 20, 2 p. m.¹ War Trade Board advises German subjects in neutral countries not doing business in enemy territory

¹ Not printed.

not enemies merely because of German birth and trade with them not restricted unless they are on enemy trading list or unless bankers there have reasonable cause to believe them enemies or acting for enemies or allies of enemies.

LANSING

File No. 763.72112/5846

The Secretary of State to the Minister in Cuba (Gonzales)

[Telegram]

WASHINGTON, *January 3, 1918, 5 p. m.*

Your December 11, 1 p. m. War Trade Board advises Trading with Enemy Act does not apply to American nationals resident in Cuba nor to partnerships composed of American nationals resident in Cuba, but does apply to American corporations having mere agencies in Cuba.

LANSING

File No. 763.72112/6465

The Secretary of State to the Consul General at Guayaquil (Goding)

No. 194

WASHINGTON, *January 24, 1918.*

SIR: Referring to your despatch No. 260, dated December 12, 1917,¹ and to the Department's telegram to you of this date,¹ regarding the question whether retail sales to persons on the enemy trading list are prohibited by the Trading with the Enemy Act, you are informed that the War Trade Board advises as follows:

American citizens resident outside of the United States, who trade with persons whose names appear on the enemy trading list are not subject to the penal provisions of the Trading with the Enemy Act. In this connection reference is made to sections 3(a) and 16 of the Trading with the Enemy Act.

The Department desires to call attention, however, to the fact that while Americans residing outside of the United States may not be subject to the penalties of the Trading with the Enemy Act, it would be their patriotic duty to assist in carrying out the policy of the United States Government by avoiding, whenever possible, all dealings forbidden by that act.

I am [etc.]

For the Secretary of State:

WILBUR J. CARR

¹ Not printed.

File No. 763.72112/7413a

The Acting Secretary of State to the Diplomatic Representatives in Central and South American Countries and Mexico

[Circular telegram]

WASHINGTON, *March 7, 1918, 8 p. m.*

Discreetly ascertain which local American firms or branches or subsidiaries of firms situated in the United States are employing enemy or ally-of-enemy subjects, or persons who have been or are engaged in pro-enemy or anti-American activities, and invite the attention of said firms to Enemy Trading Act and urge upon them the importance, in their own interest, as well as in discharge of their patriotic duty, of promptly discharging said employees.

Telegraph briefly and report fully by mail, names and American addresses of firms failing to comply with foregoing request and names and occupations of employees to whom you object with detailed reasons for your objections.

Repeat to consuls.

POLK

File No. 763.72112/8450b

The Secretary of State to the Diplomatic Representatives in Central and South American Countries and Mexico

[Circular telegram]

WASHINGTON, *April 17, 1918.*

The following are the present regulations of War Trade Board:

Branch houses of American firms in neutral and Allied countries must obtain special enemy trade license to trade with "enemy" or "ally of enemy" in all cases except following:

- A. (1) To receive rent from "enemies" or "allies of enemies" where refusal to accept will result in failure to collect.
- (2) To pay rent to "enemies" or "allies of enemies" where refusal to pay will result in forfeiture of lease or damages. Report of every such lease must be mailed to War Trade Board, Washington, after discovery of enemy interest, setting out date and date of expiration of lease, amount of rent, names of enemy tenant or landlord and other parties to lease.
- B. (1) To receive in payment of indebtedness and to collect drafts or checks drawn or endorsed by "enemies" or "allies of enemies" where refusal to accept may result in failure to collect.
- (2) To pay drafts or checks drawn in favor of or endorsed by "enemies" or "allies of enemies" where refusal to pay will result in violation of law or commercial obligation.

- (3) To receive for collection drafts or checks drawn by or accepted or endorsed by "enemies" or "allies of enemies."
- (4) To become party to clearing house transactions in ordinary course of business where any "enemy" or "ally of enemy" may be member of such clearing house.

Written report of every such transaction must be mailed to War Trade Board on 5th day of each month covering transactions of preceding calendar month under B (1), (2), (3) above, setting forth dates of transactions; names of drawers, drawees, endorsers; amounts of drafts or checks. Statement of facts under (4) above must be mailed immediately to Board.

Repeat to consuls.

LANSING

File No. 763.72113A/359

The Secretary of State to Messrs. Kenefick, Cooke, Mitchell & Bass, Buffalo, N. Y.

WASHINGTON, July 10, 1918.

GENTLEMEN: The Department acknowledges the receipt of your letter of May 27, 1918,¹ giving further information regarding funds held in Germany to the credit of certain of your clients. You assume that as a practical proposition nothing can be done toward securing possession of these funds until after the termination of the war with Germany, but add that you would be glad to receive any suggestions from the Department as to the possibility or advisability of making effort to secure these funds through the War Trade Board or through any other channel. It appears that you seek to have withdrawn from a bank in Berlin by transfer to the United States deposits amounting to about \$40,000, held in Germany to the credit of your clients in Buffalo.

In reply the Department may state for your information that it is a general practice of belligerents not to permit any steps to be taken which would be regarded as increasing the resources of the enemy, and that, accordingly, in the present European war, both before and since the United States became a belligerent, the withdrawal of enemy deposits has been generally prohibited by the belligerents. Belligerent governments, as a concession, however, during the present war have at times permitted indigent and interned enemy aliens to draw on their bank deposits in small amounts from time to time. Private bank deposits, while detained or sequestered until the close of hostilities, have not as a rule been confiscated. With respect to the practice of nations in time of war of limiting and

¹ Not printed.

prohibiting transactions between their subjects and those of an enemy, and particularly transactions involving the withdrawal of enemy funds, thereby increasing the resources of the enemy to that extent, you are referred to the following authorities: Wheaton's *International Law* (Phillipson), fifth English edition, page 438; Halleck's *International Law*, volume 1, fourth edition, page 581; Lawrence's *Principles of International Law*, fourth edition, page 357; *International Law*, Oppenheim, volume 2, page 112.

In the present case, however, the Enemy Trading Act is controlling and the Department has no objection to your taking the matter up with the War Trade Board with a view to obtaining its opinion in the matter.

I am [etc.]

For the Secretary of State:

ALVEY A. ADEE

Second Assistant Secretary

File No. 763.72112/9430

The Secretary of State to the Minister in Switzerland (Stovall)

No. 2202

WASHINGTON, *September 12, 1918.*

SIR: The War Trade Board requests the Department to inform you as follows on the points set forth in your despatch No. 3336, dated May 29, 1918:¹

The prohibitions of the Trading with the Enemy Act apply only to actions by persons in the United States and do not apply to American citizens in foreign countries. However, the War Trade Board feels that wherever possible it is desirable for diplomatic officials to discourage American citizens from undertaking any acts which would be illegal under the Trading with the Enemy Act for a person in this country to undertake, and for which a license would not be granted by the War Trade Board. In view of this fact, when inquiries are received by the Bureau of Enemy Trade through the Department of State with reference to proper actions on the part of United States citizens as to enemy trade, the War Trade Board states such action as it thinks the diplomatic officer abroad should advise the American citizen to take in the circumstances.

With reference to the particular questions:

1. Question of paying rents in Germany by Americans residing in Switzerland.

¹ Not printed.

(a) *Out of funds in Germany.* Where such payment is necessary to protect the property or interests of an American citizen, it is not objectionable for such payments to be made.

(b) *Out of funds sent to Germany from Switzerland.* It is undesirable for money to be paid out to an enemy under any circumstances, except in the event that such payment is absolutely necessary for the actual preservation of American property or interests of greater value than the payment.

2. Question of insuring against fire real estate owned in Germany by private citizens or by American-owned corporations.

(a) *Out of funds in Germany.* There is no objection to such insurance being paid out of funds in Germany.

(b) *Out of funds sent to Germany from Switzerland.* If such insurance is absolutely necessary to protect the American against possible loss of his property, it would seem unobjectionable for such payment to be made. All efforts to effect such insurance in neutral countries should be exhausted before insurance is taken out in a German company.

3. Question of paying taxes in Germany.

(a) *Out of funds in Switzerland.* The same principles as above stated apply here.

A caution should be added, however, with reference to the cases of making payments for the protection of property. It should be clearly determined before such payments are made that the property in question has not been, or will not be confiscated or taken over by the German Government, as the making of payments is entirely futile if this is the case.

4. Question of paying premiums due on life insurance policies, et cetera.

(a) *In German or Austrian branches of American companies.* It is undesirable that such payments be made in any case.

(b) *In purely German or Austrian life insurance companies.* It is undesirable here also that such payments be made in any case.

I am [etc.]

ROBERT LANSING

TRADING WITH THE ENEMY IN CHINA

File No. 763.72112/8494

The Minister in China (Reinsch) to the Secretary of State

[Telegram]

PEKING, April 14, 1917, 11 a. m.

[Received April 14, 5.30 a. m.]

I beg to request instructions as to the permissibility of commercial relations [between] Americans and Germans in China.

REINSCH

File No. 763.72112/3494

The Secretary of State to the Minister in China (Reinsch)

[Telegram]

WASHINGTON, April 23, 1917, 5 p. m.

Your April 14, 11 a. m. Apparently no obstacle in law of United States to commercial relations between Americans and Germans in China, but as a matter of policy they should be discouraged. How extensive are such relations?

LANSING

File No. 763.72112/3617

The Minister in China (Reinsch) to the Secretary of State

No. 1454

PEKING, April 14, 1917.

[Received May 12.]

SIR: In connection with my telegram of today relating to commercial intercourse between American citizens and Germans resident in China, I have the honor to enclose a copy of an instruction (No. 2291) of the 13th instant, to the American Consul at Changsha.

I have the honor to request your instructions particularly on the point as to whether the military cooperation of the United States with France and Great Britain would affect the established American rules concerning enemy domicile, as relating to incidents in China.

I have [etc.]

PAUL S. REINSCH

[Enclosure]

The Minister in China (Reinsch) to the Consul at Changsha (Johnson)

C. No. 2291

PEKING, April 13, 1917.

SIR: Replying to your despatch (No. 112) of the 2d instant, I have to advise you that the Legation approves the position taken by you, that no opposition should be offered to proper attempts of the Chinese authorities to ascertain the whereabouts, and to acquaint themselves with the names and numbers, of German subjects, even though employed by American firms or missions, or resident upon property owned by them.

In regard to the question of relations between American citizens and German subjects in China, in view of the state of war now existing, the Legation hopes to be able to communicate to you in the near future the views of our Government. In the meanwhile, the Legation offers tentatively for your guidance the following observations:

In the view hitherto adhered to by the American Government, the test of enemy character has been domicile rather than allegiance; and it is at least doubtful whether residence in China, under the extraterritorial jurisdiction of an enemy government, would under that rule be held to be an enemy domicile. There is therefore a question whether, under the rule referred to, American citizens would be precluded, on the principle of non-intercourse with enemy nationals, from relations with German nationals resident in China, in matters of business purely local in character, i. e., unconnected with the trade of the German Empire. Such a conclusion is, however, complicated by certain other considerations. In the first place, the American Government is now understood to be acting for belligerent purposes in military cooperation with certain countries (such as France) which have hitherto accepted allegiance rather than domicile as the test of the enemy character, and with Great Britain which during the course of the present war has (by orders in council and regulations in regard to enemy trading) extended the scope of the term "enemy domicile" to include the subjects of enemy nations resident in countries where the system of extraterritoriality prevails: and there appears to be some ground for the contention that the legality of transactions by American citizens might (at any rate in certain circumstances) be affected by the principles adopted by the nations with which the American Government is cooperating as a belligerent. It is furthermore to be borne in mind that the circumstances of the present war may not inconceivably force our Government to the adoption of a more inclusive and more drastic rule than it has hitherto followed in the determination of enemy character; so that, apart from other less material considerations, a reasonable sense of expediency would bid Americans to act with the utmost circumspection in dealing with persons or firms of German nationality, and particularly in entering upon any transactions with them involving future obligations or commitments of any sort.

I am [etc.]

PAUL S. REINSCH

File No. 763.72112/3617

The Secretary of State to the Minister in China (Reinsch)

No. 636

WASHINGTON, June 27, 1917.

SIR: The Department has received your No. 1454 of April 14, 1917, in which with reference to previous correspondence relative to commercial intercourse between American citizens and Germans resident in China, you request instructions as to whether the military cooperation of the United States with France and Great Britain would affect the established American rules concerning enemy domicile, as relating to incidents in China.

There is now pending before Congress a measure having for its object the prevention of trade directly or indirectly for, with, on behalf of, or on account of any person residing in Germany or residing in a neutral country and doing business with Germany.

As bearing on the general question of intercourse with the enemy, the Department may refer you to Moore's *International Law Digest*, volume 7, page 237; reference may be made also to page 424, of the same volume.

The Department may call your particular attention to the following cases: *Montgomery v. United States*, 15 Wall. 395; *Scholefield v. Eichelberger*, 7 Pet. 586; *Kershaw v. Kelsey*, 100 Mass. 561.

The rules enunciated by the courts in the above-cited cases would appear to be applicable, until such time as they might be altered by statutory enactments, to the relations between Americans and Germans in China.

I am [etc.]

ROBERT LANSING

File No. 763.72112/4382

The Minister in China (Reinsch) to the Secretary of State

No. 1565

PEKING, July 13, 1917.

[Received August 14.]

SIR: I have the honor to transmit herewith a copy of the Legation's instruction (No. 2550) of today's date to the Consulate General at Shanghai. This instruction is in answer to a despatch reporting that the British Consul General had suggested that, pending the adoption of enemy trading regulations by the United States Government, the American Consulate General advise all American shippers in its consular district that the procedure with respect to trading with enemy aliens will be as heretofore; that is to say, they would have to comply with the British enemy trading regulations in shipping cargo on British or Allied ships. As a matter of fact, the Consulate General has not definitely or officially recognized the British enemy trading regulations, and to follow the suggested procedure would seem to do so.

There is also enclosed copy of despatch (No. 1278) of April 25, 1917, from the Consulate General at Shanghai, relating to the same subject.¹ It would seem that the individual status of the firms mentioned in this despatch is a matter primarily for decision by the Department of Commerce.

I have the honor to request your instructions with respect to the attitude to be assumed towards British enemy trading restrictions.

I have [etc.]

PAUL S. REINSCH

¹ Not printed.

[Enclosure ¹]

*The Minister in China (Reinsch) to the Consul General at Shanghai
(Sammons)*

C. No. 2550

PEKING, July 13, 1917.

SIR: I have to acknowledge the receipt of your despatch (No. 1376) of the 23d ultimo, and in reply to advise you, that as the American Congress has not yet enacted an enemy trading code no laws exist on this matter which are applicable to American citizens. The Legation and the consulates have no authority to render applicable to our nationals the legislation of any foreign power, no matter how friendly. It will therefore be impossible to comply with the suggestion of the British Consul General.

The following is given you for your personal guidance: As a matter of practice our interests do pretty closely coincide, nowadays, with those which the British have embodied in their laws; and most Americans will, as a matter of personal feeling, conduct their transactions in a way as little repugnant to British laws as though actually subject to those laws—and will not be averse to volunteering, either to their own consular representatives or to those of an Ally, affidavits establishing that there is no enemy taint in their various dealings. We have no authority to tell them that they must do so, or threaten them with the penalties of British law if they don't; but it seems to me that it would be no very complex matter for our consul to intimate to our nationals, as occasions arose, that as Americans they might without loss of self-respect volunteer to swear that this transaction was not in the interests—direct or indirect—of any national of a country at war with the United States, or with any nation now acting in military cooperation with the United States.

It is desired that you should give the Legation your opinion on the feasibility of this provisional procedure.

I am [etc.]

PAUL S. REINSCH

File No. 763.72112/4382

The Secretary of State to the Minister in China (Reinsch)

No. 676

WASHINGTON, August 31, 1917.

SIR: The Department has received your despatch No. 1565, of July 13, 1917, enclosing a copy of an instruction to the American Consul

¹ Filed separately under File No. 763.72112/4381.

General at Shanghai, China, in regard to trading with the enemy aliens.

In reply you are informed that the whole question of trading with the enemy is receiving the consideration of the Government at the present time. By an order in council of April 27, 1917, all firms in the United States, the Philippine Islands and Porto Rico were removed from the statutory black list and similar action was taken with reference to firms in the United States upon the confidential black list. There is enclosed a copy of a bill now pending in Congress dealing with the subject of trading with the enemy,¹ and the Department will inform you in the event that this or another bill on the subject is passed by Congress.

It will be observed from the text of this bill that the matter of enemy character being, with some minor exceptions, based on the principle of domicile, and not on the principle of enemy nationality or association, the Government cannot therefore give its sanction to the British black list or the theory upon which it was created.

For your information there are enclosed copies of the President's proclamations of July 9 and August 27 last (together with his explanatory statements)² prohibiting, save under license, exportation from the United States of certain articles therein set forth. The application of these proclamations is intended to supplement the proposed Enemy Trading Act and to attain as one object the prevention of trade directly or indirectly with, on behalf of, on account of, [or] for the benefit of the enemy, as the term "enemy" is defined in the proposed act.

I am [etc.]

For the Secretary of State:

WILLIAM PHILLIPS

File No. 763.72112/5228

The Minister in China (Reinsch) to the Secretary of State

[Telegram]

PEKING, October 24, 1917, 2 p. m.

[Received October 24, 12 noon.]

Does United States enemy trading legislation apply to transactions with Germans and Austrians resident in China?

REINSCH

¹ Not printed.

² Proclamations printed in *Foreign Relations*, 1917, Supplement 2, vol. II, pp. 903 and 933, respectively. Explanatory statement to the former not printed, to the latter printed on p. 937 of the same volume.

File No. 763.72112/5449

The Minister in China (Reinsch) to the Secretary of State

[Telegram]

PEKING, November 10, 1917, 1 p. m.

[Received November 10, 11.20 a. m.]

Your instructions No. 676, August 31. Is the paying or receiving of rents upon existing leases from or to Germans domiciled in China advisable for American citizens, or would they thereby risk refusal of export licenses?

REINSCH

File No. 763.72112/5228

The Secretary of State to the Minister in China (Reinsch)

[Telegram]

WASHINGTON, November 30, 1917, 5 p. m.

Your October 24, 2 p. m. Enemy Trading Act appears to make unlawful for individuals or concerns in United States, except with license, to trade or have any form of business or commercial communication or intercourse or dealings, directly or indirectly with any—

- (a) Individual or body of individuals of any nationality resident, or corporation incorporated, within territory (including territory occupied by military or naval forces) of nation at war with the United States or any ally of such nation;
- (b) Individual or body of individuals of any nationality resident, or corporation incorporated, within any country other than the United States and doing business within such territory;
- (c) Enemy or ally-of-enemy government, or officer, official, agent, or agency thereof;
- (d) Individual or concern (regardless of nationality or residence) who there is reasonable cause to believe is acting for, on account, on behalf, or for benefit, of any above prohibited classes.

While, except with license, trade prohibited everywhere with corporations organized under laws of Germany or [her] allies, trade with nationals of such countries resident in China not prohibited by act unless they fall within classes (b), (d),¹ or unless they are designated by presidential proclamation. President has not issued such proclamation.

LANSING

¹Class (c) is included in a similar telegram sent on Dec. 12 to the Consul General at Saloniki, printed *ante*, p. 427.

File No. 763.72112/5783

The Secretary of State to the Minister in China (Reinsch)

[Telegram]

WASHINGTON, December 11, 1917, 6 p. m.

Your November 10, 1 p. m. War Trade Board advises German residents China not doing business in enemy or ally-of-enemy territory are not enemies under Trading with Enemy Act by reason alone of nationality, but may become so by reason of enemy activities which should be scrutinized very closely by you. In absence of other reasons Americans could pay to and receive from such persons rents on existing leases. Above statement based on assumption that Germans are not doing business directly or indirectly through branch agent or other agency within enemy territory and not trading with, to, for, from, on account of or for benefit of enemy or ally of enemy and that property under lease situated outside enemy territory. Department expresses no opinion.

LANSING

File No. 763.72112A/1431

The Minister in China (Reinsch) to the Secretary of State

[Telegram]

PEKING, June 14, 1918, 4 p. m.

[Received June 14, 1.08 p. m.]

Some American firms desire to acquire property essential or highly advantageous to their business from Germans or firms including German partners. While such transaction does not contravene the letter of the Enemy Trading Act as applied to China, and while it is greatly to the advantage of American business to acquire such property while the opportunity exists before it passes into the hands of others, yet before advising the firms concerned that their action is unobjectionable, I beg to request telegraphic instructions on this subject.

REINSCH

File No. 763.72112A/1431

The Secretary of State to the Minister in China (Reinsch)

[Telegram]

WASHINGTON, June 27, 1918, 4 p. m.

Your June 14, 4 p. m. Purchase by American firms in China of property of German subjects, or of firms including German subjects as partners, not prohibited where such subjects are not enemies within the terms of Enemy Trading Act or proclamations issued

thereunder. Not proper, therefore, for you to approve or disapprove such transactions. However, where in your opinion benefits to American firms outweigh benefits accruing to Germans, you may encourage transaction.

LANSING

File No. 763.72112/9201

The Special Assistant of the Department of State (Denby)¹ to the Secretary of State

No. 11

PEKING, May 24, 1918.

[Received June 27.]

SIR: I have the honor to enclose herewith duplicate copies of "Regulations Governing Punishments for Trading with the Enemy" which have been posted by the Chinese authorities throughout the country, the enclosure being a translation appearing in the *Peking Daily News* of the 21st instant.² I find that the Chinese authorities are cooperating closely with the American and British authorities and are acting satisfactorily on information given them concerning infringements of this proclamation.

I have [etc.]

CHAS. DENBY

File No. 763.72112A/1923

The Chargé in China (MacMurray) to the Secretary of State

[Telegram]

PEKING, July 8, 1918, 5 p. m.

[Received July 9, 10 a. m.]

No. 21. Denby for War Trade Board:

Americans in China are subject to American law only. The United States Attorney is of opinion that the Trading with the Enemy Act applies to Americans in China, but no American authority in China is designated to administer its provisions. The lack of organized machinery to enforce the act causes confusion. We should take steps to authorize some member of Legation staff to exercise function of bureau of enemy trade who could authorize proper transactions with Germans in this country. The same official should have some of the functions of custodian of enemy property to receive German funds which may pass through American hands. As Germans are not to be deported, this becomes urgent. It is re-

¹ According to an instruction of Mar. 18 to the Ambassador in Japan, Charles Denby was a Special Assistant of the Department of State, who had been "assigned to China and also to Japan and eastern Siberia for special duty in making investigations for the information of the Department and the War Trade Board in relation to the licensing of exports to the Far East." (File No. 111.70D41/c.)

² Not printed.

quested that Naval Attaché be instructed to undertake above work, for which he has the proper facilities and which he is willing to do. Above would be simple inexpensive method of defining duties and liabilities of Americans in China under Trading with Enemy Act.

I beg to concur in Denby recommendation. The uncertainty in the minds of Americans as to the applicability of the provisions of the act in this jurisdiction constitutes disadvantageous restriction upon legitimate transactions, and absence of any means of administering the act might become an encouragement to improper dealings.

MACMURRAY

File No. 763.72112A/2130

The Chargé in China (MacMurray) to the Secretary of State

[Telegram]

PEKING, July 17, 1918, 1 p. m.

[Received 5.34 p. m.]

Denby for War Trade Board:

No. 25. British Government by notice of Peking Legation dated January 1, 1917,¹ declared all subjects of enemy nationality in China to be enemies and forbade all transactions with them. Further provided that all sums payable to an enemy should be paid into a designated bank and disposed of only on order of British court at Shanghai. The above order was based on China orders in council of 1904 and 1907. The American Trading with the Enemy Act in like manner must be enforced in China or illicit dealings with, and on behalf of, enemies by Americans will result and we will be charged justly by our allies with the lack of cooperation in an essential war measure. I have many letters from upright Americans asking how they can conform to the requirements of Trading with Enemy Act. I renew my advice in telegram No. 21 that the Legation, through the Naval Attaché, exercise the functions of custodian of enemy property, and that he be empowered to authorize proper business transactions with enemies in China. This authority could probably be conferred by presidential proclamation without additional legislation.

MACMURRAY

File No. 763.72112A/2130

The Acting Secretary of State to the Chargé in China (MacMurray)

[Telegram]

WASHINGTON, August 3, 1918, 8 p. m.

For Denby from War Trade Board:

Your No. 21, July 8, 5 p. m. and your No. 25, July 17, 1 p. m. It is very doubtful whether Enemy Trading Act is enforceable in China

¹ Probably refers to note 3 to order in council of Jan. 5, 1917.

in respect to Americans there who trade with the enemy within the definition of the act or in respect to the establishment in China of a representative of the Alien Property Custodian to receive German funds or other property. If, however, the number of Americans and the importance of their transactions is considerable, and if they desire voluntarily to conform to the provisions of the Trading with the Enemy Act as applied by the War Trade Board, it might be feasible to send to Peking some one familiar with the application of the act in this country, who could informally counsel and advise Americans in China. Please cable us your opinion on this aspect of the matter.

POLK

File No. 763.72112A/2640

The Chargé in China (MacMurray) to the Secretary of State

[Telegram]

PEKING, August 9, 1918, 5 p. m.

[Received August 12.]

Denby for War Trade Board:

31. Replying to your August 3, 8 p. m. If you are not satisfied that Trading with Enemy Act is enforceable against Americans in China, I recommend amendment in Congress extending the act to countries in which the United States exercises extraterritorial jurisdiction. Your suggestion that Americans be called on for voluntarily conforming to act not practicable, because half Americans would conform and those whom we wish to control would evade. Moreover, legal difficulties requiring court decision would inevitably arise. I do not consider it feasible to send to Peking some one who could informally advise Americans in China. The Legation is sufficiently informed and has sufficient staff. I strongly recommend that the act be amended as above and that Legation be instructed by the War Trade Board and the Custodian of Enemy Property to designate a member of its staff to perform the functions of a bureau of enemy trade and as far as necessary of a custodian of enemy property. The duties of the custodian of enemy property will not be held responsible [*sic*]. There will be no question of liquidation of enemy property but only the providing of necessary machinery for American relations with the enemy. The volume of business which would be done by the above official cannot be stated definitely in advance. It would, however, be considerable; there are large American commercial interests in China, the 1914 census showing 136 firms and 4,365 civilian Americans here resident. The present situation in China with regard to Americans is chaotic; the only power which can put it in order is the United States, and it is our plain duty to our own citizens, to China, and to our Allies to do so.

I beg to express my full concurrence in the above recommendations.

MACMURRAY

File No. 763.72112A/2640

The Secretary of State to the Chargé in China (MacMurray)

[Telegram]

WASHINGTON, September 7, 1918, 5 p. m.

For Denby [from War Trade Board]:

Your 31, August 9, 5 p. m. Appreciate advantages having legal status of American commercial dealings with enemy in China fixed by legislation. Difficulties procuring amendment undoubtedly mean several months' delay. Pending such amendment suggest your handling matter by informal advice to refrain from business transactions with houses on British list or considered objectionable by our representatives in China. Where contract with objectionable firm, enforceable in local courts, is existing it is proper to sanction performance of contracts. New transactions, however, should be discouraged. Party refusing to adopt suggestions of Legation or consuls should be reported to Washington as trading with enemies for action by War Trade Board upon applications for export or import licenses.

LANSING

File No. 763.72112/10051

The Consul at Shanghai (Johnson) to the Secretary of State

[Telegram]

SHANGHAI, September 10, 1918, 10 a. m.

[Received September 10, 3.34 a. m.]

For War Trade Board:

May American citizens purchase German property, if sale is *bona fide*, for purposes industrial and commercial development? Also may Chinese beneficial owner transfer deed registered German Consulate to American?

JOHNSON

File No. 763.72112/10051

The Secretary of State to the Consul at Shanghai (Johnson)

[Telegram]

WASHINGTON, September 21, 1918, 5 p. m.

[From the War Trade Board]:

Referring your September 10, 10 a. m. Where branch United States firm or person resident in the United States desires to deal with person falling within definition of "enemy" in Trading with Enemy Act formal license necessary from Bureau of Enemy Trade, Washington. Where merely American citizen residing in China dealing with enemy person no formal license necessary, and where branch United States firm or person resident in the United States

dealing with merely German citizens no formal license necessary. In last two cases proper you advise as to desirability of action. In cases where United States firm or person resident in the United States trading with person falling within definition of "enemy" under Trading with the Enemy Act you should instruct them to make application through United States connections for formal license. Recommendations from you in such cases desirable. Reference cases where no formal license required as set forth above and where it is proper you should advise American citizen or American firm. In such cases follow general rule that where benefit to American large in proportion to benefit to enemy, transaction need not be disapproved. Deemed advisable for a time that you cable for advice in all but clear cases so that precedents may be established which you can follow in future cases. Reference particular question in your cable September 10, assuming case one where no formal license required as explained above, you should advise against transaction unless situation such that American will suffer very greatly if purchase not permitted or advantage to American interests through the purchase will be extraordinary. If American is branch of United States firm or person resident in United States [and] German is an enemy within definition of Trading with Enemy Act you should advise that they apply to Washington for an enemy trade license. You should in addition wire your recommendation. Reference second question, may Chinese beneficial owner transfer deed registered German Consulate to American, if case is one where no formal license required, as explained above, it would seem proper that you interpose no objection to transaction inasmuch as from meagre facts in your cable apparently essentially interested parties are Chinese and American. German connection purely formal. Hereafter in cabling for advice please give full details. Your cable of September 10, [10] a. m., unsatisfactory this regard.

LANSING

PURCHASE OF AUSTRIAN SHIPS: THE TAKING OVER OF THE
"MARTHA WASHINGTON"

File No. 863.852/12

The Ambassador in Austria-Hungary (Penfield) to the Secretary of State

[Telegram]

VIENNA, March 20, 1917, 4 p. m.

[Received March 22, 3 a. m.]

1773. Referring to Department's telegram 791, July 14, 1915, and subsequent correspondence.¹ Austro-Americana Steamship Co. re-

¹ Not printed.

quests transmission of following telegram to their agents, Phelps Bros., 17 Battery Place, New York:

You have authority after consulting with Buenos Aires to sell to neutral buyers our *Dora*, *Erny*, *Lucia*, minimum \$160; *Clara*, *Ida*, *Teresa*, \$150 per ton dead weight; *Anna* best possible; cash payment through Holland less one-fifth to remain at Buenos Aires' disposal. Buyers must, however, guarantee either to keep vessels in port during present war or run them only between present neutral American ports giving at the same time substantial guarantee to that effect. Eventual expenses of putting vessels on highest Lloyd register class to be at our charge for same. Please communicate us direct reply soonest possible.

[PENFIELD]

File No. 863.852/12

The Secretary of State to the Ambassador in Austria-Hungary (Penfield)

[Telegram]

WASHINGTON, March 23, 1917, 5 p. m.

1617. Your March 20, 4 p. m. Inform steamship company that, Department's regulations being now more strictly adhered to than in 1915,¹ message will not be forwarded.

LANSING

File No. 863.852/12a

The Secretary of State to the Chargé in Austria-Hungary (Grew)

[Telegram]

WASHINGTON, April 7, 1917.

1644. For Austro-Americana [from Phelps Bros. & Co.]:

We have sold to responsible American buyers for United States registry all 10 steamers covered by your wireless and as authorized by your cable from Lucerne received April 2.² Price \$123 per dead-weight ton less our 5 per cent commission and legal expenses. Buyers pay repairs for wilful damage up to \$25,000 each steamer. Ten per cent on your boats already paid; balance on delivery of bills of sale. Payments other 3 due in same manner on receipt of definite authority from owners. Necessary they file power of attorney with our Embassy in Vienna and have Washington State Department advised thereof. Have exhibited all papers including guaranties to your Embassy, but in the absence of direct Government instructions

¹ See *Foreign Relations*, 1915, Supplement, p. 711.

² These messages not found in the files.

your Ambassador declines to direct consuls to close Austrian registers. Ambassador has, however, cabled recommending transaction and asking necessary instructions. Do everything possible to expedite and have captains instructed to cooperate fully with us. Recommend you obtain for us firm authority and net price on other Austrian steamers, especially *Martha*, *Laura*, *Alice*, *Borneo*, *Morowitz*, lodging necessary powers of attorney with American Ambassador. *Borneo*, *Morowitz* in jeopardy because funds exhausted and \$35,000 debts already unpaid. Phelps Bros. & Co.

LANSING

File No. 863.852/12b

The Secretary of State to the Minister in Switzerland (Stovall)

[Telegram]

WASHINGTON, April 14, 1917, 5 p. m.

515. For Ferruccio Schiavon, Lucerne [from Phelps]:

Have sold your seven¹ and Tripcovich three. Owing to incompleteness of authorization, Tripcovich sale subject to direct confirmation. Antonio has cabled also authorizing sale of *Martha*, *Virginia*, *Laura*, *Alice*, and in case you need all your eleven free of any trade restrictions. Tripcovich should confirm this also. Only obstacle to our completing sales and collecting money is your Ambassador's refusal to direct your consuls here to close registers which is present condition of buyers' ability obtain American flag. Most important in order to avoid further dangerous delay that your officials here be instructed to act immediately. Suggest you try to obtain for us complete authority for *Budapest*, *Morowitz*. Reply by cable. Phelps.

LANSING

File No. 863.852/464

Memorandum of the Counselor for the Department of State (Polk)

April 17, 1917.

Mr. Haight, representing the Austrian Line, showed me a telegram from Buenos Aires, dated April 17, in reply to his cable of April 16, as follows:

We think telegram received from Barcelona must be delayed one as we have received just now other from Barcelona authorizing sale *Laura*, *Alice* on best possible terms without mentioning any restric-

¹The total purchase price was approximately \$6,500,000. These seven ships were sold by the purchasers to the Shipping Board in May, 1917. For the names of the ships see telegram of Mar. 20 from the Ambassador in Austria-Hungary, *ante*, p. 445.

tions. Under the circumstances we consider best confirm sale collecting at once purchase money of the seven steamers committed leaving for the present *Virginia*, *Martha Washington* free. *Laura*, *Alice* under offer here.

I told Mr. Haight that this Department had no objection to selling the Austrian ships to the American owners; that this Department knew of no restrictions and recognized no restrictions. Mr. Haight stated that he had full authority to sell the ships without restrictions—that the ships were worth more than with restrictions. I told him that the Shipping Board, Mr. Chamberlain of the Bureau of Navigation, and this Department had no objection to the sale, but I warned him personally and confidentially that I could not guarantee and would not guarantee that this Government would not under certain circumstances requisition the ships for such purposes as the Government might wish to use them.

File No. 863.852/13

The Minister in Switzerland (Stovall) to the Secretary of State

[Telegram]

BERNE, April 17, 1917.

[Received 4.20 p. m.]

779. Replying No. 1644, 7th April. For Phelps Bros. [from Austro-Americana]:

Approve your action for our boats. You have authority together with Buenos Aires without referring any more to us to sell best possible all our other steamers, namely *Martha*, *Virginia*, *Laura*, *Alice*. Instruct our captains to cooperate fully with you. Provide for them, officers, and whole crew adequate board and continue payments as heretofore unless you secure them adequate employment. Cable name of European bankers who will pay us. Working on Tripovich, Atlantica, and Orient steamers and cabling later [regarding] Austro-Americana crew.

STOVALL

File No. 863.852/20

The Minister in Switzerland (Stovall) to the Secretary of State

[Telegram]

BERNE, May 4, 1917, 5 p. m.

[Received May 5, 8.45 p. m.]

865. Referring to my telegram 848 [748], May 1,¹ and Department's telegrams 515, April 14, and 1644, April 7, to Embassy,

¹ Not printed.

Vienna, relative to sale of ships of Austro-Americana Steamship Co., have to report that Mr. York-Steiner acting for Austro-Americana requested good offices of Legation to ascertain whether sale of ships has been completed. York-Steiner states that Austro-Hungarian Ministry for Foreign Affairs sent telegram April 17 through Stockholm for Austro-Hungarian authorities in United States or those acting on behalf of such authorities to close Austrian registry of seven ships belonging to Austro-Americana and sold American buyers for United States registry as advised Department's 1644, April 7, to Embassy, Vienna. York-Steiner desires to know whether sale and change of registry mentioned in Department's 1644 have been satisfactorily completed.

He states that if sale of other ships already authorized can be effected he will endeavor to cause action of Austrian authorities to change register. York-Steiner stated that he feared telegram of Austro-Hungarian Foreign Office mentioned above relative to change of registry had not reached proper authorities as he was aware that Germany opposed sale of Austrian ships and desired to hinder steps taken to effect it.

STOVALL

File No. 863.852/25

The Minister in Switzerland (Stovall) to the Secretary of State

[Telegram]

BERNE, June 5, 1917, 5 p. m.

[Received June 7, 11.45 a. m.]

1004. For Phelps Bros. [from Ferruccio Schiavon]:

June 3. Your three cables May 19.¹ Official permit to sell all steamers granted, provided buyers are private concerns and guarantees are given of trading during the war only between American ports excluding English and French Dominions, and for Shanghai property including China and Dutch India. Provided also cash payment European neutral countries, Spain excluded. Swedish Legation already instructed to close registers. Also our officials, Shanghai, Rio, Buenos Aires, accordingly instructed.

Always on above conditions you are definitely authorized to sell:

(1) Agreeably with Antonio, highest possible, *Martha, Virginia, Laura, Alice*. Strongly hope you getting at least \$300 per gross ton passenger steamers. Understand *Virginia* undamaged.

(2) Shanghai property according your cable 19th,¹ if better impossible, provided Shanghai agents have not already sold vessels. [Owners] consider repairs survey cannot exceed \$120,000

¹ Not printed.

for whole property. They would like to limit their liability but leave it to your discretion.

(3) Tripco[vich]—2½ per cent your commission, American legal expenses, the transfer charges for buyers' account: two parcels [*vessels?*] totalling 13,200 tons, minimum according your cable 19th. *Himalaia*, 8,100 tons, superior boat considered worth over \$200, minimum \$150, per ton dead weight, limiting owners' liability for repairs \$20,000.

(4) Atlantica property according your cable 19th, try utmost to improve.

(5) *Borneo* best possible, at least basis of *Campania*, *Francia*. Owing to supposition *Borneo* undamaged, expect you will improve.

(6) Agreeably with Antonio, *Erodiade* minimum \$130 ton dead weight.

Arrange remittance possibly according your cable 23d May,¹ whole amount for all owners, while for us and Atlantica 20 per cent remain at your and Buenos Aires' disposal. Acknowledge receipt of 34th cable.¹ Inform quickly result of your negotiations, cabling names of European bankers, stating amounts transferred under name Fratelli Cosulich for accounts of each owner. Powers [of attorney] will be filed next week by all interested neighbors [*sic*] with your Legation at Berne. Cable firm offer agreeable with Antonio for *Siam* and two Adria steamers in Brazil. Cable what improvement obtained for all ships including first seven boats, should trading restrictions removed. Cable whether you can make us firm offer for Hamburg and Bremen ships stating conditions by cable. Ferruccio Schiavon.

STOVALL

File No. 863.852/50

The Secretary of State to the Minister in Switzerland (Stovall)

[Telegram—Extract]

WASHINGTON, June 21, 1917.

686. For Ferruccio Schiavon, Lucerne [from Phelps Bros.]:

Yours 11th received.¹ Conforming your 3d have sold, to net owners except [*sic*] less expenses, *Virginia* \$202.50, *Borneo* \$144, *Erodiade* \$162, *Himalaia* \$171, other two Tripco[vich] \$144, Atlantica two \$162. All sold [under] full restrictions and in present condition free of any liability of owner for damage. For all eight steamers we have closed subject to your confirmation at \$15 gross additional per dead-weight ton for removal of all restrictions. Answer quick. . . .²

LANSING

¹ Not printed.

² In a telegram forwarded by the Minister in Switzerland, July 3, the agent of the Austrian owners reported: "Sale eight boats approved by all concerned." (File No. 863.852/61.)

File No. 863.852M36/29

Memorandum of the Assistant Solicitor for the Department of State (R. W. S. Hill)

December 19, 1917.

DEAR MR. WOOLSEY: On August 17, the United States Shipping Board informed the Department that they desired to seize for immediate military purposes an "interned" Austrian vessel, if the President and the Department of State deems such a course entirely proper in view of our international obligations, and inquired whether article 9 of our treaty of 1829 with Austria-Hungary would, in view of this Department, prevent the seizure of this vessel.

On August 28, the Department replied, advising that no objection was perceived to such seizure, so far as article 9 of the treaty mentioned was concerned, and added, "as the vessel in question is not enemy property it is presumed that the Government will be prepared to indemnify the owners if the vessel is taken over for Government purposes."

On August 31, the Shipping Board enclosed to the Department a copy of the following notice to Phelps Bros. & Co., the United States agents of the Austrian steamship *Martha Washington*:

Please take notice that the United States, through the United States Shipping Board, hereby requisitions the Austrian steamship *Martha Washington* now lying at the port of New York, to meet the urgent military necessity of the Government at this time.

We shall be pleased to confer with you respecting the terms of this requisition.

It is assumed that this vessel was requisitioned in the exercise of authority conferred upon the Board by the President in pursuance of the authority vested in him by the act approved June 15, 1917:

To purchase, requisition, or take over the title to, or the possession of, for use or operation by the United States any ship now constructed or in the process of construction or hereafter constructed, or any part thereof, or charter of such ship.

On September 17, the United States Shipping Board requested to be informed whether the question of determining and paying charter hire should be left entirely to diplomatic negotiations now or after the war, or whether it was agreeable to the State Department that the Shipping Board should determine the terms of hire and notify the State Department of the arrangement reached.

In reply the Department, on October 10, informed the Shipping Board that it perceived no reason why the Board should not endeavor to reach an arrangement with the interested parties respecting charter hire for this vessel.

Enclosed with the letter of the Shipping Board of September 17, was a copy of a letter of same date, from the Board to Phelps Bros. & Co., in which they state:

By our notice that we would be pleased to discuss with you the terms of requisition of the *Martha Washington*, we did not intend to indicate that we were opening the way to negotiations for the charter of this vessel as this vessel has been requisitioned under a right clearly defined under international law. The urgent military necessity which calls forth the exercise of this power equally demands that no delay of negotiations should obstruct the right of the Government to use her immediately.

Compensation will of course be paid in due time to the proper parties for the use of this ship. It is for the purpose of determining a fair rate of hire and of settling the disposition of the money due for the use of the *Martha Washington* that we suggested a conference.

While the above provisions of the act of June 15 would apparently permit this Government to take over the title to this vessel, it would appear from the foregoing letter of the Shipping Board of September 17, 1917, that only the use of the vessel was requisitioned. In this relation the Commissioner of Navigation advises that American registry has not been granted this vessel. It appears that subsequent to the requisition of the vessel, negotiations were entered into by the Shipping Board, with those interested in the vessel, with a view to purchasing same, but no agreement appears to have been reached with regard thereto at the time of our declaration of war against Austria-Hungary. In a letter dated November 29, the Shipping Board referred to the possible purchase of this vessel, stating, "although she has been requisitioned, as you know, and is actually in the service of the Army, we think that money can be saved if we buy her at approximately \$2,250,000." In this circumstance, if as appears to be the case, the title to this vessel did not vest in the United States when requisitioned there would appear to be no reason why this Government, through the Shipping Board, should not take over the title to the vessel in the exercise of authority conferred upon the Board by the President in pursuance of the authority vested in him by Joint Resolution of May 12, 1917—

to take over to the United States the immediate possession and title of any vessel within the jurisdiction thereof, including the Canal Zone and all territories and insular possessions of the United States except the American Virgin Islands, which at the time of coming into such jurisdiction was owned in whole or in part by any corporation, citizen, or subject of any nation with which the United States may be at war when such vessel shall be taken, or was flying the flag of or was under register of any such nation or any political subdivision or municipality thereof; and, through the United States

Shipping Board, or any department or agency of the Government, to operate, lease, charter, and equip such vessel in any service of the United States, or in any commerce, foreign or coastwise.

R[ALPH] H[ILL]

File No. 863.85/20

*Mr. Charles S. Haight*¹ to the Counselor for the Department of State
(Polk)

NEW YORK, December 21, 1917.

[Received December 22.]

MY DEAR FRANK: I have learned today, with a good deal of apprehension, that the question of seizing the *Martha Washington* as an enemy vessel was being seriously considered yesterday by the Shipping Board. It seems to me that such action would be inopportune at the present time, for the following reasons:

1. As you know, Phelps Bros. & Co. have been cooperating with the Shipping Board for some two or three months past, in an effort to acquire the Austrian ships in Spain, which number 23. Now that the question of remitting the money for the last vessels sold has finally been settled, Phelps Bros. are at last in a position to press their negotiations. It is unfortunate that the license to remit could not be obtained from the War Trade Board and the whole transaction consummated before the United States declared war upon Austria. However, that milk has already been spilled. Our declaration of war has now rendered the transaction more difficult, and I very much fear that the seizure of the *Martha Washington* may still further jeopardize our success, since the action of the owners upon any offer of purchase must depend very largely upon the attitude of the Austrian Government, and that attitude cannot be improved by the seizure of the *Martha*.

2. Up to the present time, all other Austrian ships in American ports have been acquired by purchase, the *Martha Washington* being the only one left. It seems to me that it would be wise not to create the necessity for an after-war discussion with Austria, when only one ship is involved.

3. If the *Martha* is seized, compensation probably will have to be paid her owners after the war, and, if so, we can hardly pay less than requisition rates. I am positive that a buyer could be found (if the Shipping Board does not wish to pay the owners' price) who would purchase the vessel today and agree to accept from the Shipping Board the requisition rate for her employment by the Government so long as the war lasts. This method would not only simplify

¹ Of Haight, Sanford & Smith, New York City.

pending negotiations but would evade all possible after-war discussion and would keep the vessel under the American flag or some Allied flag for the after-war trade.

If you agree with me in the above, could you consistently use your influence to safeguard the situation?

Very sincerely yours,

CHARLES S. HAIGHT

File No. 863.852M36/10

The Commissioner of the Shipping Board (Page) to the Counselor for the Department of State (Polk)

WASHINGTON, January 9, 1918.

[Received January 10.]

MY DEAR MR. POLK: Yesterday you received a memorandum concerning the status of the Austrian steamship *Martha Washington*.¹ One reason why the Board, through its Admiralty Counsel, advised against seizing her, was the fear that our negotiations for Austrian tonnage in Spain might be adversely affected by such action.

It appears to us now, however, that there is a way in which both the question of the *Martha Washington* and the other vessels can be brought to a head quickly, and with that object in view we have taken Mr. Phelps into consultation. The enclosed cablegram is the result of our conference and is forwarded to you for approval.²

In this cablegram Phelps indicates that he might sell the *Martha Washington* at the named price, if authority to sell this vessel is coupled with authority to sell the Spanish vessels. If a firm offer should come back on this basis, we stand ready to forego the exercise of our power to seize the *Martha Washington*. If no firm offer comes, we are not precluded from seizing her.

I am strongly of opinion that this cable will tend to clarify the situation, and if such course of dealing with Austria at the present time meets with the approval of the Department of State, I should like to recommend that it be sent.

Very truly yours,

C. R. PAGE

File No. 863.852/209b

The Secretary of State to the Chargé in Switzerland (Wilson)

[Telegram]

WASHINGTON, January 9, 1918, 7 p. m.

1315. For Ferruccio Schiavon, Lucerne, from Phelps:

Referring ours 5th¹ *Martha*: trying to obtain advantageous firm offer, avoiding seizure with attending tie-up of funds pending peace,

¹ Not printed.

² *Infra*.

on basis of prompt remittance but your views too high. Might obtain \$2,500,000 with prompt authority coupled with authority for Spanish property. If above workable, think we can obtain increase of \$10 per ton on your six in Spain per ours November 23¹ and December 20¹ if outside steamers obtainable on basis our offer November 27¹ or slightly better.

LANSING

Executive Order No. 2859-A, May 11, 1918, Authorizing the Taking Over of the "Martha Washington"

WHEREAS the following Joint Resolution adopted by Congress was approved by the President May 12, 1917:

"Joint resolution authorizing the President to take over for the United States the possession and title of any vessel within its jurisdiction, which at the time of coming therein was owned in whole or in part by any corporation, citizen, or subject of any nation with which the United States may be at war, or was under register of any such nation, and for other purposes.

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, that the President be, and he is hereby, authorized to take over to the United States the immediate possession and title of any vessel within the jurisdiction thereof, including the Canal Zone and all territories and insular possessions of the United States except the American Virgin Islands, which at the time of coming into such jurisdiction was owned in whole or in part by any corporation, citizen, or subject of any nation with which the United States may be at war when such vessel shall be taken, or was flying the flag of or was under register of any such nation or any political subdivision or municipality thereof; and, through the United States Shipping Board, or any department or agency of the Government, to operate, lease, charter, and equip such vessel in any service of the United States, or in any commerce, foreign or coastwise.

"SEC. 2. That the Secretary of the Navy be, and he is hereby, authorized and directed to appoint, subject to the approval of the President, a board of survey, whose duty it shall be to ascertain the actual value of the vessel, its equipment, appurtenances, and all property contained therein, at the time of its taking, and to make a written report of their findings to the Secretary of the Navy, who shall preserve such report with the records of his department. These findings shall be considered as competent evidence in all proceedings on any claim for compensation."

AND WHEREAS the following vessel was, at the time of coming into the jurisdiction of the United States, owned in whole or in part by a corporation, citizen or subject of the Empire of Austria-Hungary, a nation with which the United States is now at war, or was flying the

¹ Not printed.

flag of or under the register of the Empire of Austria-Hungary, or of a political subdivision or municipality thereof:

Passenger steamship, *Martha Washington*, now lying at the port of New York.

IT IS THEREFORE ORDERED that through the United States Shipping Board there be taken over to the United States the possession and title of the aforementioned vessel. The United States Shipping Board is further hereby authorized to repair, equip and man said vessel; to operate, lease or charter the same in any service of the United States, or in any commerce, foreign or coastwise; and to do and perform any and all things that may be necessary to accomplish the purposes of the Joint Resolution above set forth.

WOODROW WILSON

THE WHITE HOUSE,
11 May, 1918.

File No. 863.852/299

The Acting Director of the Bureau of Enemy Trade, War Trade Board (Fuller), to the Counselor for the Department of State (Polk)

WASHINGTON, May 22, 1918.

[Received May 23.]

DEAR SIR: We are in receipt of an application from Phelps Bros. & Co., of New York City, for license to transmit an amount not exceeding \$800,000 to Fratelli Cosulich, Vienna, Austria, for account of the owners of the following ships: *Virginia, Erodiade, Borneo, Budapest, Franconia, Himalaia, Campania, Morowitz.*

These ships were sold last summer by Phelps Bros. & Co. acting as agents for the Austrian owners, to the Kerr Navigation Co., and we understand that it was one of the terms of the sale that the purchase price was to be remitted to the Austrian owners, and that the Government sanctioned this arrangement.

In addition to the price fixed, it was agreed that if the former Austrian owners released certain covenants restricting the trading limits of these ships, an additional sum of \$15 per ton should be paid by the purchaser. Subsequently this release was given by the Austrian sellers, and the above-mentioned sum of approximately \$800,000 thereupon became due.

The Shipping Board at first requested that we withhold for the time being the issuance of the license to remit the additional \$800,000, because of certain other transactions then pending. To-day, however, we are in receipt of a letter from the Shipping Board stating

that it now sees no reason why the license should not be granted. License was sometime ago issued to Phelps Bros. & Co. to remit the original purchase price of these ships to Austria.

Since we are informed that you are familiar with the original arrangement in regard to the purchase of these ships and the remittance of the proceeds, we write to request your recommendation as to the desirability of allowing this further remittance to go forward.

Very truly yours,

BUREAU OF ENEMY TRADE
By PAUL FULLER, Jr.

File No. 863.852/299

The Acting Secretary of State to the Acting Director of the Bureau of Enemy Trade, War Trade Board (Fuller)

WASHINGTON, June 6, 1918.

SIR: I acknowledge the receipt of your letter of May 22, 1918, in which you express the desire to be informed as to the State Department's attitude towards an application of Phelps Bros. & Co., of New York City, for a license to transmit an amount not exceeding \$800,000 to Fratelli Cosulich, Vienna, Austria, for the account of the owners of eight Austrian ships purchased by the Kerr Navigation Co.

The Department felt at the time when the question of remitting the original purchase price of these ships was discussed that we were bound to facilitate the conclusion of this transaction. The considerations which led the Department to adopt this attitude several months ago have lost none of their validity and would appear to apply with equal cogency to the present remittance. The Department, therefore, recommends the issuance of the license necessary to the making of this remittance.

I am [etc.]

FRANK L. POLK

File No. 863.852M36/10a

The Secretary of State to the Minister in Switzerland (Stovall)

[Telegram]

WASHINGTON, June 6, 1918, 8 p. m.

2042. Following from Phelps for Ferruccio Schiavon, Lucerne, Switzerland, June 6:

Answering your inquiry relative *Martha Washington*, regret opportunity lost on account of delay. Steamer definitely seized and both time and amount of compensation uncertain. Phelps.

LANSING

File No. 863.852/322

The Director of the Bureau of Sales of the Alien Property Custodian (Guffey) to the Assistant to the Counselor for the Department of State (Auchincloss)

NEW YORK, *September 16, 1918.*

[*Received September 25.*]

DEAR SIR: Referring to Mr. Bennett's telephone conversation on Saturday in which he requested a letter from you setting forth the position of the State Department in regard to the remainder of the funds in the hands of Phelps Bros., representing the proceeds from the sale of the various Austrian vessels, we are attaching a copy of Phelps Bros.' statement showing all disbursements made to date.¹

They appear to have on hand \$1,726,743.40 which is an unremitted balance covered by the various War Trade Board licenses issued. In addition to this amount there is a little over \$1,000,000 for which no licenses have been applied for.

It is our understanding that the State Department wishes the remainder of the funds held by Phelps Bros. to be transmitted to the various owners, and we would therefore request that you advise us in writing to this effect.²

Yours very truly,

JOSEPH F. GUFFEY

¹Not printed. The total amount remitted since Dec. 31, 1917, is shown to have been \$12,118,256.60, of which \$730,000 was on account of the seven ships referred to in despatch of May 22 from the War Trade Board, *ante*, p. 456.

²No answer to this letter found in the files.

V

RELIEF OPERATIONS

BELGIAN RELIEF ¹

File No. 855.48/618

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, August 6, 1917, 11 a. m.

[Received 12.40 p. m.]

6898. For Hoover ² [from Relief Commission]:

C[ommission for] R[elief in] B[elgium] 21. If most desperate situation Belgium and France is to be avoided combined with discredit relief and American protection, wiping out effect last 2½ years, must have immediately effective August allotted relief minimum average 60,000 tons additional cargo capacity. Have made insistent demand British Government which is approved. Insisted upon by Belgian and French Governments that this tonnage be turned over by Allied Governments to us at once. When pending arrangements with Dutch, Norwegian, Swedish result additional charters, corresponding tonnage can be returned to Allies. This course has approval important members British Government, but will fail unless strongly indorsed from United States. Relief Commission.

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File No. 855.48/624

The Second Counselor of the British Embassy (Hohler) to the Assistant to the Counselor for the Department of State (Auchincloss)

WASHINGTON, August 14, 1917.

[Received August 15.]

DEAR MR. AUCHINCLOSS: I am enclosing a memorandum embodying the points which I dwelt on in my conversation with you this afternoon about the Belgian Relief,³ which I hope will make the

¹ For earlier 1917 correspondence on this subject see "Withdrawal of the American Minister and Relief Workers from Belgium," *Foreign Relations*, 1917, Supplement 1, pp. 628-664. For negotiations on obtaining Dutch shipping and the cargoes of detained Dutch grain ships see "Negotiations with the Netherlands," *Foreign Relations*, 1917, Supplement 2, vol. II, pp. 1117-1158.

² Herbert C. Hoover continued to occupy the position of Chairman of the Commission for Relief in Belgium after his return to the United States to assume the duties of Food Administrator in June, 1917.

³ *Foreign Relations*, 1917, Supplement 2, vol. II, p. 1123.

present state of our negotiations in this question perfectly clear to you.

We have received further instructions to inform the United States Government that His Majesty's Government have agreed in principle to abandon the examination of relief ships to and from the United States at Halifax, etc., providing that there be an examination in American harbours which will furnish the necessary safeguards both as to the ships and their cargoes. If this is done and ships sail direct between America and Holland, it is calculated by the Committee of Belgian Relief that over 30,000 tons of cargo capacity will be saved monthly, and that there will be a reduction in the round trip of about 16 days—that is to say, instead of 76 days about 60. We are instructed to consult the United States Government on this point, and to invite them to undertake the examination. It is of very great importance to initiate the new method without delay.

Yours sincerely,

T. B. HOHLER

File No. 855.48/672a

The Secretary of State to the British Ambassador (Spring Rice)

WASHINGTON, October 8, 1917.

MY DEAR MR. AMBASSADOR: The Secretary of the Treasury has transmitted to me a copy of instructions which have been sent to the Collector of Customs, relative to examinations of vessels departing from this country laden with Belgian Relief cargoes, and I am forwarding herewith a copy of the instructions in question.¹

It is understood that in consideration of this examination undertaken by the Treasury Department, which was the result of an informal arrangement between the Embassy and officials of that Department, no further examinations of supplies for Belgian Relief work will be made at Halifax. I should be pleased to receive from you a confirmation of the arrangement proposed.

I am [etc.]

ROBERT LANSING

File No. 855.48/867

The King of the Belgians to President Wilson

[Telegram]

[HAVRE,] October 18, 1917.

[Received at the White House 5.46 p. m.]

HIS EXCELLENCY DR. WOODROW WILSON: During more than three years the American Commission for Relief under Mr. Hoover's able

¹ Not printed.

leadership has achieved with marked success and under the most trying circumstances the task of supplying the Belgian nation with the bare necessities of life. Moreover, Your Excellency's Government has lately assumed the burden of financing the Commission. Those unmistakable marks of sympathy make me feel confident that whatever the difficulties may be, the United States will never allow their noble work to be jeopardized. However, since several months the imports of foodstuffs have been inadequate and the last reports which reach me from the invaded territory are such that I consider it my duty to make a personal appeal to your intervention. The Belgian population is confronted not only with hardship and suffering but with actual famine, the death rate is steadily increasing. Infantile mortality is appalling. Tuberculosis is spreading and threatening the future of the race. Only by immediate and energetic action can the lives of many of my unhappy people be saved during the impending winter. My Government has put all available ships at the disposal of the Commission and is unable to provide for more. For the additional transports as well as for cargoes and financial means, Belgium must rely entirely upon the United States. I do not doubt but Your Excellency will give to Mr. Hoover full power to meet the present emergency with adequate measures, and in such conditions we are confident that Mr. Hoover will assure the success of the great task he has nobly assumed in the name of the American nation.

ALBERT

File No. 855.48/650

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, *October 22, 1917.*

[*Received 10.20 p. m.*]

7493. Poland¹ of Belgian Relief Commission presents following to me with hope of your consideration in conference with Hoover:

When \$75,000,000 American loan was made to Belgium it was universally announced and understood in Europe that our Government would thereafter bear whole burden of relief and that European Governments would be spared further expense. Now, however, for first time Poland is informed in telegrams from Hoover that United States money can be spent only for supplies bought in United States. Please, after conference with Hoover, instruct me

¹ W. B. Poland, Director for Europe, Commission for Relief in Belgium.

what to inform Poland. The income from European Governments is discontinued and Relief Commission here has no income. Yet two-fifths of Commission's outlay must be spent here.

Must Poland inform British and Belgian Governments that they must continue to contribute two-fifths of Commission's outlay? Appeal to one will be unsuccessful, appeal to other doubtful. They had both understood that the American loan would relieve them of further payments.

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File No. 855.48/651

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, October 26, 1917, 6 p. m.

5669. Your 7493, October 22. From Treasury Department:

American Government has not loaned Belgian Government \$75,000,000, but made a loan of \$45,000,000 to be drawn at the rate of \$7,500,000 a month during a period of six months.¹ This amount it was understood would be expended for purposes of civil relief, and probably through the instrumentality of the Belgian Relief Commission, although that Commission can not be recognized by the Secretary of the Treasury directly in making loans under the authority of the acts of Congress which permit him to loan to governments engaged in war against Germany. At a later date, the Belgian Government requested advances to be made for the purchase of supplies for their Army in Belgium. These have been now made to an amount aggregating \$13,400,000. It is inferred that the loan of \$7,500,000 per month for civilian relief will be expected to be renewed since the six-months' period has just ended, and doubtless there will be no difficulty in having such extension made.

As to expenditures within the United States, it is desired that to the largest possible amount all sums loaned to foreign governments shall be thus expended. In case of urgent necessity, exceptions may be made, but the reason for these exceptions should be first submitted to the Secretary of the Treasury.

Copy of this telegram will be shown to the Belgian Minister with the request that he make such representations to the Secretary of the Treasury as he desires to make.

LANSING

¹For correspondence concerning loans to the Belgian Government see "Cooperation of the United States with the Allied Powers in the Provision and Administration of Finance and in the Purchase of Supplies," *Foreign Relations*, 1917, Supplement 2, vol. I, pp. 516-592.

File No. 855.48/652b

The Secretary of State to the Minister in Belgium (Whitlock)

[Telegram]

WASHINGTON, *October 26, 1917, 7 p. m.*

286. For your information. The following cablegram has today been addressed by the President to the King of the Belgians in reply to a message received on October 18 concerning the inadequacy of food imports into Belgium, and expressing the hope that further measures will be taken to meet the situation:

I have given most careful consideration to Your Majesty's cablegram, and I need not assure Your Majesty of the deep solicitude which I feel for the civil population of Belgium, as conditions become incessantly more difficult and the obstacles to be overcome increase in number.

While the Commission has delivered some 400,000 tons of food-stuffs since the submarine warfare began, it has shipped an additional 250,000 tons which have failed to reach its destination either because of sinkings or because of inability to complete delivery of goods in transit through the war zone, besides which the delays to steamers in transit have entailed the loss in carrying capacity of over 100,000 tons. The Commission has been powerless to prevent these losses and no one feels more deeply the suffering entailed than do its members.

Frankness in making a complete statement of the causes of the shortage compels me to say that even the Belgian authorities have from time to time increased the difficulty by requisitioning Belgian ships under charter to the Commission at critical periods.

The relief work requires the regular movement of 220,000 tons of shipping, and while the losses of ships and the failure of neutrals and of the Allies to supply shipping last June reduced their regular fleet to 120,000 tons, the Commission have by the addition of steamers furnished by this Government, and purchases of ships by the Government waived in their favor, now built up their fleet to 160,000 tons.

Furthermore, with my approval, Mr. Hoover has obtained from various Governments certain tonnage for this purpose in return for food supplies. This has been done with an insistence we have felt could be justified only by the duty of maintaining the lives of these helpless civilians. For no other purpose have we gone to such length. We now have the hope through these means of securing sufficient additional neutral shipping, and with success in the negotiations now pending, there may be available a fleet of sufficient size.

Your Majesty is doubtless familiar with the financial difficulties of the Commission, which arise out of the inability of this Government to provide funds for expenditures outside of the United States, and the necessity of securing financial assistance from the other Governments for expenditures abroad, in which matter I trust Your Majesty will interest yourself.

The foregoing is but a general survey of the situation, but I trust it will convey to Your Majesty some idea of the difficulties with

which the Commission has to contend. I need hardly reiterate that we are determined to do everything this Government can to meet the requirements of the civilian population of Belgium which has such a claim upon our sympathy and friendship, and that if we are unable to render them the full measure of services to be desired, it will be through no lack of effort or sympathetic understanding on our part.

It is desired that you take an opportunity to impress upon the Belgian Government the fact that this Government has not only done all that could reasonably be expected of it to provide food for the civilian population of Belgium, but has exacted from neutral nations additional foodstuffs for the Belgians in return for concessions as to food and supplies. This has been done by Mr. Hoover with an insistence and severity that we have not exercised on our own behalf, and has caused some resentment which we have willingly accepted in the interest of Belgium.

Furthermore, we have given Belgian food shipments from the United States priority over all the Allies.

Neither this Government nor Mr. Hoover has any obligation other than good will in the matter, and Mr. Hoover has repeatedly asked the Belgian Government to take over the purchase and transport of supplies.

For your confidential information, I may say that the tone of implied criticism in messages from Belgian sources and the apparent attempts to load responsibility on individuals and this Government are difficult for us to understand. It is hoped that by taking every occasion to create an understanding of the true situation, and the difficulties before the Commission, you will succeed in ending the influence of those who apparently are seeking to convey an impression that the inadequacy of the food supply in Belgium is in any way attributable to negligence or lack of sympathetic understanding on behalf of this Government or its officials.

LANSING

File No. 855.48/653a

The Secretary of State to the Minister in Belgium (Whitlock)

[Telegram]

WASHINGTON, October 26, 1917, 4 p. m.

287. Various philanthropic organizations, both State and individual, are making independent proposals on humanitarian grounds to transport to the United States large numbers of Belgian orphans. There is no general plan perfected as yet. The Belgian Minister has been giving the idea his sympathetic support.

Before taking any position the Department naturally desires to know the attitude of the Belgian Government; whether in fact Belgium favors the bringing to America of large numbers of destitute children; if so, for what period of years and what suggestions are offered regarding their transportation. You may informally and unofficially discuss the subject with the Minister of Foreign Affairs, ascertain his views, after which the Department will be in a position to make replies to the various inquiries.

LANSING

File No. 855.48/653

The Minister in Belgium (Whitlock) to the Secretary of State

[Telegram]

HAVRE, November 1, 1917, 3 p. m.

[Received November 2, 12.15 a. m.]

98. Your 288 [287], October 26, 4 p. m. Have just seen De Broqueville, who was at the front when your telegram came and has just returned. He says the Belgian Government is deeply touched by the solicitude for the Belgian orphans and asks that its profound gratitude be expressed to philanthropic organizations. He ventures to suggest, however, that the work might otherwise be as well accomplished without sending the orphans to America. The idea of long voyages, always formidable to the Belgian peasant mind, is specially terrifying at this time, and furthermore the Belgian Government would have no means of providing the transportation. He says that many thousands of Belgian children, either orphans or of poor parents, could be cared for in Switzerland, and, while he would not presume to make suggestions, the Government would be delighted if Americans could ascribe to undertake some such work here on the Continent. The Belgian Government has not the funds to do it with, hence conditions inside Belgium are growing worse. Tuberculosis among children especially is rapidly increasing. There would be no difficulty in obtaining permission from the Germans for the children to come out if means could be devised to care for them on their arrival. Would American philanthropy care to undertake the task in this way?

WHITLOCK

File No. 855.48/655

The Minister in Belgium (Whitlock) to the Secretary of State

[Telegram]

HAVRE, November 2, 1917, 3 p. m.

[Received 11.20 p. m.]

99. Your 286. I took advantage of a favorable moment this morning, De Broqueville himself having brought up the question of *ravitaillement*, to effect the impression desired in your despatch No.

286. I discussed with him for an hour stages of situation and made clear our point of view, and I think that the understanding is now excellent. De Broqueville expressed the utmost admiration for Hoover and for the work and assured me that the King and the Government understand fully the difficulties of the American Government and appreciate and are grateful for the sacrifices made. He explained that it was not the wish or intention to interfere with the Commission by requisitioning ships and said that the individual criticisms were to be regretted, that they did not represent the Government and that he would do all he could to have them discontinued. . . .

WHITLOCK

File No. 855.48/664a

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, November 9, 1917.

5766. For Poland from Hoover:

British and French Governments have completed loan to Belgian Government 500,000,000 francs, part of which we are informed is available for C.R.B. Our Government will most likely increase subsidy here to \$15,000,000, \$9,000,000 for Belgian and \$6,000,000 for French relief, but contingent on Belgian Government advancing from Allied loans \$5,000,000 per month for European expense. Belgian Legation here has cabled home for instructions to apply Treasury for increased loan beginning November 1 but have not been advised acceptance depends upon European loan. Please advise Belgian Government necessity for prompt instructions their representative here but do not mention condition Treasury will place on loan. French Ambassador will apply without instructions from his Government. Please report at once. Have instructed New York office to remit you funds through Treasury for payment Norwegian [and] Swedish charters.

LANSING

File No. 855.48/668

The Acting Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, November 16, 1917, 4 p. m.

5828. For Poland, Commission for Relief [from Hoover]:

Washington, 10. I fully appreciate that your devotion and loyalty to the C. R. B. has alone prompted your efforts to increase the available funds for purchasing supplies, and I fully agree that we should continue to exert every possible influence to carry out our program

and fulfill the obligations we have assumed. However, I am afraid that you have not fully grasped the serious world shortage of food and shipping. At the present moment the United States has absolutely no exportable wheat if this country is to be fed and provided for according to pre-war basis and while we will, even in the face of this shortage, continue to export to our allies, we are doing this on the bet that the Food Administration will be able to carry out a program of conservation which will save the amount exported. To divert the European grain purchases to the Argentine, Australia, and India means establishment of a totally impossible shipping position. Try as we will, we do not believe that it will be possible to carry out the complete program you have figured out embracing an expenditure of \$26,000,000. The food regulations now in force have stabilized all prices of foodstuffs and it is now possible to arrive with reasonable assurance at the prices of wheat, bacon, and lard, which present the bulk of our program, and in checking up your figures, I feel confident we can carry out the minimum monthly ration on an expenditure of \$20,000,000. You must bear in mind that the demands on our American supplies and on the American Treasury if granted *in toto* would bring famine on this country and cripple us financially. All shipments to neutrals have been stopped and the Allies will be allotted only a portion of their requisitions. The C. R. B. cannot be placed in the position of taking advantage of the enviable position we have gained with all Governments by continually asking for more favorable treatment than that accorded other Allies. Now that I have been able to ascertain and enter more deeply into the whole question of the world's food supplies, the world's demands, and diplomatic questions involved, I know that Belgium and northern France through our efforts, and in this I of course include your own splendid endeavors, has fared infinitely better than any other country in its allotment per capita of shipping and food, and it is only because of our personal position here in defense of the C. R. B. I fear that if general publicity was given to our present relative share of the world's food and shipping it would bring violent protests. I must make it quite clear that our Government has not refused to carry out any obligations assumed in regard to Belgium. Hoover.

POLK

File No. 855.48/860

*The Commercial Adviser of the British Embassy (Crawford) to the
Counselor for the Department of State (Polk)*

WASHINGTON, November 23, 1917.

[Received November 24.]

MY DEAR MR. COUNSELLOR: We have received a cable from the Foreign Office stating that the Commission for Relief in Belgium

anticipate a shortage of tonnage amounting to 10,000 tons for December and 17,000 for January.

The Inter-Allied Chartering Executive cannot see their way to assign ships definitely to make up this shortage and we are instructed to enquire whether the United States Government can assist.

I am sure that the situation in which the Relief Commission finds itself is already being fully represented to you by the Commission's officers here, but it seems desirable that we should make clear that, in the present general tonnage position, the I.A.C.E. cannot be relied on to supply the deficit in the Commission's programme.

I shall be glad of any information or discussions which would tend to an understanding between the Shipping Board and the I.A.C.E. for a joint tonnage programme for this important work, as I feel that there is at present some danger of duplication and confusion between the Commission's officers in London and here in this matter.

Believe me [etc.]

RICHARD CRAWFORD

File No. 763.72/7967

The Special Representative (House) to the Secretary of State

[Telegram—Extract¹]

PARIS, undated.

[Received December 5, 1917, 10.40 a. m.]

2850. The following resolutions of the Inter-Allied Conference will appear in the French press on Wednesday morning:

The Allies declare that they will give priority to all supplies intended for the provisioning of the Belgians and the population of the French invaded territory on the basis of the programme of the Committee for the Provisioning of Belgium as it was drawn up in the course of conference held at London between the Committee for the Provisioning of Belgium and the British Government. They guarantee the tonnage necessary for the execution of this programme, taking into consideration such ships as the Committee for the Provisioning of Belgium at present disposes of and those which it may procure in the future either directly or by the aid of the Allied Governments.

HOUSE

¹ Printed in full in *Foreign Relations, 1917, Supplement 2, vol. II, p. 995.*

File No. 855.48/686

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, *December 22, 1917, 4 p. m.*

[Received December 23, 2.30 a. m.]

8050. For Hoover. Comes from Poland:

57. Following telegram to Clemenceau displays financial situation which is absolutely desperate . . . I urge that you secure Administration to represent to Great Britain the feeling of people of United States in respect to relief and the necessity of England's putting the financial arrangements in order.

Monsieur Clemenceau, President du Conseil des Ministres, Paris: On November 23 the French Minister of Finance after a conference with representatives of the Commission for Relief in Belgium and Northern France and the Belgian Minister of Finance, in accordance with the suggestion of the United States Government, agreed to finance the European requirements of the French relief amounting to £700,000 monthly and, conditionally upon similar action by British Government, agreed to provide a further £750,000, being one-half of the funds necessary for the European portion of the cost of Belgian relief. A telegram was thereupon dispatched to the Ambassador of France in London describing the attitude of the French Government and asking him to request the British Government to undertake their portion of the European cost of the Belgian relief. At the same time, on account of the impossibility of obtaining any guarantees of credits for meeting the expenditure in Holland of the relief work, the French Government authorized the director of the relief to negotiate a loan in Holland amounting as subsequently determined to 60,000,000 guilders and agreed to deposit French Treasury bonds to secure same, and invited Great Britain to join with the French Government and the Belgian Government in a similar authorization and undertaking. Although the desperate situation of the Relief has been presented to Foreign Office and Treasury in numerous documents and statements, and although action has been urged upon them by Crosby, representative of United States Treasury, no action whatever has been forthcoming, nor is there at the moment any indication of prompt action which is required on the part of British Government to save the relief from actual interruption because of lack of funds both in Holland and the United Kingdom. It has been shown to the British Government, and these facts are now being presented to you, that expenditures in Holland amount to from six to seven million florins monthly. These expenditures represent the payment of certain freights and insurances which cannot be paid elsewhere, the purchase of from five to ten thousand tons of most valuable native Dutch products, the cost of unloading supplies in Rotterdam and shipping same into Belgium and France. Funds available in Holland for these purposes estimated will last only until 1st January. Failing to obtain further foreign credits, relief will absolutely cease and no shipments of food can be made into the occupied territories after that date. In the

United Kingdom since December 15 the Relief has been financed solely by virtue of what would be overdraft generously accorded by Bank Belge with the stipulation that account their own financial requirements same must be repaid in full not later than December 31. Overdraft now amounts to £500,000 and by end of month estimated will reach approximately 800,000. Owing to this critical situation and to failure of British Government to authorize loan negotiations, director cannot take steps which were recommended by French Government towards effecting a Holland loan. Growing out of failure of British Government to take action to preserve the Relief we have made definite demands on the British: (1) that they deposit to credit of Commission for Relief at once, to cover overdraft with Bank Belge and provide funds for month January, £2,500,000; (2) arrange a credit of 6,000,000 guilders to Relief Commission, Holland; (3) we again insistently urged action regarding permanent loan of guilders in Holland; (4) we urged official concurrence of British Government to request of French Government by cable of the 25th November. At meeting with representatives of Relief Commission you assured us of complete accord and support of French Government in our efforts to place financing shipping arrangements and food supply on a permanent basis. If these matters of finance are not arranged within the next few days, the actual existence of your people will be jeopardized. Under these circumstances we earnestly beg the most active intervention of the French Government with the British Government to insist on the necessary action being taken and we also request that the French Government, pending action of the British Government, place at our disposal at once as a temporary advance the sum of £1,000,000. Poland, Director Relief Commission.

PAGE

File No. 855.51/17a

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, January 7, 1918, 6 p. m.

6187. For Crosby from Leffingwell:¹

No. 49. We agreed to increase to \$9,000,000 per month the advances to Belgian Government for relief, and France agreed to increase to \$6,000,000 per month her dollar contributions for Belgian Relief requirements here, with the understanding that entire \$15,000,000 would be required and used to cover purchases here, and that England and France would furnish the funds required for European expenditures, including freight, insurance, and purchases in Holland, amounting in all to approximately £2,260,000 per month. Hoover understands that the above plan was ratified at the Paris conference, and that the European expenditures would be provided by England and France and by the use of a portion of the 500,000,000

¹ Russell C. Leffingwell, Assistant Secretary of the Treasury.

franc loan made to Belgium by England and France. I understand, however, that this arrangement has not become effective so far as England's participation is concerned, because of delay on part of British Treasury. Consequently, the London office for Belgian Relief is pressing New York office for permission to use dollar credits to repay freight and insurance advanced by Belgian Government in pounds and guilders. I feel that freight payable in pounds or guilders, although contracted for here, is not an American expenditure and that dollar advances should not be so employed. Hoover agrees and informs us that the total dollar advances are required for American purchases, and we see no reason why this Government should supply funds for European expenditures which were to be met by England and France. We wish to assist in Belgian relief, but must know what England is going to do. Suggest you get situation clarified and advise us accordingly.

LANSING

File No. 855.48/695

The Delegate to the Inter-Allied Council (Crosby) to the Secretary of State

[Telegram]

PARIS, *January 10, 1918.*

[*Received January 11, 2.30 p. m.*]

For Secretary of Treasury:

No. 40. Referring your No. 49. Belgian Relief situation made subject of special agreement signed by Bonar Law and Klotz in Paris during meetings of Council. French Treasury was willing to accept its proportion of whole of increase asked for, British Treasury desired further investigation because Belgian Relief requirements have been more than doubled in last two months as compared with earlier record. Absolute engagement for £1,500,000 per month is made by two Governments with understanding that if applications made by Relief in London show need for larger amounts the Governments will endeavor to obtain them. There has been some difficulty also on the part of Great Britain in finding necessary amounts of florins covering large sums spent there. Dutch exchange now very unfavorable to Great Britain. Belgian Relief and Belgian Government officials have been much disturbed, but have advised them to work under existing agreement which does not positively preclude obtainment of whole of sum asked for of British and French Governments. In the meantime Great Britain is endeavoring to obtain loans in Holland to cover this and other demands for florins. We have done all that we undertook to do and are no longer involved in matter save through general interest in

situation. While present difficulties being surmounted, it might be desirable to permit small amounts urgent freight accounts to be paid from our funds, if this is not followed by increased total from us.

CROSBY

File No. 855.48/705

*The Commercial Adviser of the British Embassy (Crawford) to the
Counselor for the Department of State (Polk)*

WASHINGTON, February 13, 1918.

MY DEAR MR. COUNSELLOR: On several occasions recently the Spanish-Dutch Committee for Belgian Relief have drawn the attention of the British Government to the policy adopted by the German authorities charged with the distribution of native food-stuffs of giving preferential treatment to Belgians working in their interest. The Committee urge that strong measures should be taken.

The attitude recently adopted by the British Government was to sanction imports of food-stuffs only on condition that equivalent native supplies were controlled and distributed by the relief organization, and in certain cases this was accepted by the German authorities. In practice, however, the imports of food-stuffs take place on the simple guarantee that they will not be requisitioned.

The British Government now propose to protest strongly against the action of the German authorities in using the distribution of native food-stuffs as a means of forcing the Belgian population to work for them and to intimate that unless this policy is immediately abandoned, and native food-stuffs equitably distributed, the British authorities will be compelled to revert to their former practice of refusing to sanction imports of food-stuffs of any kind, unless an undertaking was given that the relief organization would be permitted to control and distribute equivalent native supplies.

The British Government desire to know whether the Government of the United States will support them in this action. I should be glad if you could let me have an early reply.

Believe me [etc.]

RICHARD CRAWFORD

File No. 855.48/705

*The Counselor for the Department of State (Polk) to the Com-
mercial Adviser of the British Embassy (Crawford)*

WASHINGTON, February 19, 1918.

MY DEAR SIR RICHARD: I have received your letter of February 13 with regard to the policy adopted by the German authorities charged

with the distribution of native foodstuffs in Belgium of giving preferential treatment to Belgians working in their interests. You state that the British Government now propose to protest strongly against the action of the German authorities in using the distribution of native foodstuffs as a means of forcing the Belgian population to work for them and to intimate that unless this policy is immediately abandoned, and native foodstuffs equitably distributed, the British authorities will be compelled to revert to their former practice of refusing to sanction imports of foodstuffs of any kind, unless an undertaking was given that the relief organization would be permitted to control and distribute equivalent native supplies.

I am of the opinion that this extreme penalty should be used only under the most grave conditions and it seems obvious that unless the object of the whole Belgian relief is to be nullified it is not quite fair to ask ten million people to face starvation without very carefully considering the consequences. As you are aware those who have charge of the distribution of imported foodstuffs and of the native foodstuffs endeavor to prohibit any distribution to Belgians in the employ of Germany and the total amount to be distributed is so small that if one individual gets more than his share someone else must starve. The most recent information received by the Commission for Relief in Belgium indicates that the method of distribution inaugurated over three years ago was meeting with the full approval of the Belgian Committee who are very jealous of any German interference.

It seems to me, therefore, that the importation of foodstuffs into Belgium should not be prohibited until evidence has been produced that the system of distribution and the allocation of native foodstuffs have become disrupted to such an extent as to be unbearable to the Belgians themselves.

I am [etc.]

FRANK L. POLK

File No. 855.48/719

The Minister in Belgium (Whitlock) to the Secretary of State

No. 607

HAVRE, *March 6, 1918.*

[*Received March 25.*]

SIR: I have the honor to report that members of the Belgian Government have received information from the occupied portion of Belgium to the effect that the Germans, in case they should find sufficient foodstuffs in Russia, may order the Commission for Relief to discontinue its work and destroy the National Committee, and several of the Ministers here have expressed the fear that if the imports of the Commission were reduced this might intensify the probability of such action. They think that in case the Germans

felt that they could provide sufficient foodstuffs themselves they would turn the feeding of Belgium over to committees formed of "activists" in the Flemish movement, and by so doing seek still further to advance their scheme of dividing Belgium and of beating down resistance and enfeebling the national spirit. No active measures to this end have as yet been taken but the Belgian Government has the fear that there may be if the Germans should conclude that they were in a condition to order the discontinuance of the relief work now carried on by the National Committee and the Commission for Relief in Belgium.

The prospect of the necessity of reducing imports into the occupied portion of Belgium indeed is one that fills the Belgian Government with great concern. While the people there have borne the horrors of the war and the indignities and the injustices heaped upon them by the Germans with the greatest fortitude, and although in the midst of the German plots to divide them they still oppose a magnificent moral resistance to the invaders, the Ministers here fear that if they were to go hungry this resistance would be compromised, and perhaps the German maneuvers and suggestions in favor of peace would find a readier reception. They fear too that the statement of Hertling in the Reichstag the other day may be the forerunner to some peace offer to Belgium.

As I said in my despatch No. 106, dated March 1, 1918,¹ the Belgian Government announced that it would not make peace without the consent of its allies, and to this view they would hold under all circumstances, but inasmuch as it has more than once been intimated that Germany was ready to conclude some arrangement with Belgium they fear that if the people were weakened behind them they might be placed in an embarrassing situation. The long duration of the war and the absence of any indication that it will soon be brought to an end makes it much more difficult to keep up the morale of the people, especially when communication is so difficult and dangerous. Only the other day the Baron Capelle, an official of the Belgian Foreign Office who remained in Belgium and has been in constant communication with the Government here, was condemned by the Germans to 10 years penal servitude. The reign of terror grows worse every day in Belgium. Condemnations to prison and to death for what the Germans call the "crime of patriotism," when they do not call it treason, are growing more and more frequent, and in addition to the strong effort to divide the Flemish and Walloons the Germans are trying to cut off all communication on the part of the

¹Apparently refers to unnumbered telegram of Mar. 1, Supplement 1, vol. I, p. 144.

Government at Havre with the patriotic leaders inside, and German agents and spies on this side of the line are trying, as I have shown in former despatches, to sow discord even in the Belgian Army.

The other day the King and Queen went to the south of France for a fortnight and visited the Italian front, and no sooner had they gone than the familiar vicious rumors were circulated in Havre, and indeed throughout France—one that the King had been forced to abdicate, another that he had been shot by one of his own soldiers, etc. To counteract the effect of these reports French newspapers have been publishing long articles in praise of the King and Queen, and lauding the heroism of Belgium and the Belgians, while the King himself paid a visit to the President of France.

All these *défaitiste* efforts of the Germans have failed to affect the morale, to impair the stamina, or to weaken the resistance of the Belgian people in or out of Belgium. But the effort to keep it intact as a nation, on the success of which the whole policy of the Allied cause depends, grows more and more difficult with the prolongation of the war and in a position complicated by so many problems the Belgian Government and the Belgian people, whose faith and hope and courage have never wavered, and who have a touching confidence in American friendship, are entitled to all our sympathy, our comfort, and our aid.

I have [etc.]

BRAND WHITLOCK

[For Dutch threat to seize cargoes of the Commission for Relief in Belgium see telegrams from the Minister in the Netherlands, Nos. 2284 and 2337 of April 10 and April 18, 1918, Supplement 1, volume II, pages 1455 and 1466, respectively.]

File No. 855.48/722a

The Secretary of State to the Ambassador in Great Britain (Page) ¹

[Telegram]

WASHINGTON, April 11, 1918.

7226. On account of the extreme gravity of the present military situation and the necessity for utilizing all available tonnage for transportation of American troops and supplies to France, the question is presented to this Government whether 60,000 tons of shipping should be allocated by this Government to the Belgian Relief in addition to their present tonnage, in order that the Belgian Relief

¹ See last sentence for instructions to repeat to Paris as No. 3508 and Havre as No. 291.

may deliver a total minimum of 90,000 tons of foodstuffs per month to Belgium and northern France, or whether this 60,000 tons of shipping should be devoted to military purposes.

The Belgian Relief Commission has at the present time at its disposal tonnage sufficient to transport to the population of Belgium and northern France an average of under 60,000 tons of food per month. The amount of food which the Commission has always considered was the minimum on which this population could be maintained in reasonable health is about 120,000 tons per month. On account of this stringency the Commission have felt recently that with the approaching spring the shipments might be reduced temporarily to 90,000 tons of food per month without causing any disaster. In order to transport 90,000 tons of food per month this additional 60,000 tons of shipping must now be allocated to the Belgian Relief.

The Government of the United States, having in mind the important humanitarian and political aspects of this work and the deep interest taken therein by the Government to which you are accredited, desires you to ascertain from that Government its views on the particular question whether the 60,000 tons of shipping should be allocated to the Belgian Relief or devoted to military purposes.

Repeat to Paris, No. 3508, and Havre, No. 291.

LANSING

File No. 855.48/724

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, April 13, 1918, 11 p. m.

[Received April 13, 5.37 p. m.]

9507. Your 7226, April 11. The Foreign Office has just sent me the following answer:

The Secretary of State for Foreign Affairs presents his compliments to the United States Ambassador, and, with reference to Mr. Page's memorandum No. 514 of the 12th instant relative to a question of allocating 60,000 tons of shipping, either for the transportation of American troops and supplies to France, or to the Belgian Relief, has the honor to say that [1] in the present circumstances it appears to His Majesty's Government to be of paramount importance that this tonnage should be devoted to military purposes; (2) there would be no objection on the part of His Majesty's Government to the Commission for Relief in Belgium being invited to charter further Swedish ships now in Sweden.

PAGE

File No. 855.48/723

The Ambassador in France (Sharp) to the Secretary of State

[Telegram]

PARIS, April 13, 1918, midnight.

[Received April 14, 5.30 a. m.]

3610. Department's 358 [3508], April 12.¹ Foreign Office informs me today that the whole subject of tonnage will be settled at a conference called for that purpose to be held in Paris on the 23d instant. While a preference was expressed for the use of the 60,000 tons of shipping referred to for the transportation of troops, yet the necessity for administering relief to Belgium and northern France is fully appreciated.

SHARP

File No. 855.48/727

The Minister in Belgium (Whitlock) to the Secretary of State

[Telegram]

HAVRE, April 18, 1918, 6 p. m.

[Received April 19, 7.51 p. m.]

115. Hymans, replying tonight to your 291 April 12,¹ says the feeding of the population already so tried would be imperiled if the tonnage used for shipping food were reduced and that new privations would enfeeble their moral resistance. Under these conditions he says, "The Government of the King regrets that it is not able to give its assent to the proposed measure."

WHITLOCK

File No. 855.48/728

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, April 21, 1918, 3 p. m.

[Received 4.30 p. m.]

9631. Your 7226, 11th. My 9507, April 13, 11 p. m. I have just received the following note from the Foreign Office:

The Secretary of State for Foreign Affairs presents his compliments to the United States Ambassador and with reference to His Excellency's note of the 12th instant relative to a question of allocating 60,000 tons of shipping either for the transportation of United States troops and supplies to France or to the Belgian Relief, has the honor to inform Mr. Page that in replying as above it was as-

¹ See last sentence in telegram of Apr. 11, *ante*, p. 475.

sumed that the 60,000 tons of shipping referred to in the telegram from the Secretary of State in Washington was a particular block of tonnage allocated for the carriage of urgent military supplies. In these circumstances His Majesty's Government did not feel [they ought] to take the responsibility of urging the allocation of this tonnage to Belgian Relief, although of course it is earnestly hoped that the United States Government observes [*will*], in addition to meeting their Army supply programme, be able also to provide the necessary assistance in tonnage to enable the Belgian Relief carrier [*to carry*] the minimum requirements of food-stuff, et cetera, to Rotterdam, and in fact a request to this effect has recently been sent from Belgian Relief in London to America.

Mr. Balfour would be most grateful if Mr. Page would be so good as to telegraph to the United States Government in the above sense in order that there may be no misunderstanding on the part of the United States Government as to the attitude which His Majesty's Government are taking in regard to tonnage assistance for the Belgian Relief Commission.

PAGE

File No. 103.95/560

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, May 12, 1918, 10 a. m.

[Received 9.24 p. m.]

10005. For Hurley¹ from Stevens:²

The Allied Maritime Transport Council at its meeting at Paris May [April] 25, passed resolution providing that the necessary articles for revictualing the occupied districts in Belgium and northern France should be included in the program of the Wheat Executive, if that body consents. Under that resolution the Commission for Relief in Belgium is to use its own tonnage to the fullest capacity; any future tonnage necessary is to be found by the Associated Governments. The necessary arrangements with the Wheat Executive have not been completed, but the need of the populations in the occupied districts of Belgium and northern France is so critical that something must be done at once to meet this need.

I have been in constant conference with the British Minister of Shipping with a view to arriving at a temporary working agreement which will take care of the existing crisis. The result of these conferences is an agreement in principle that the British Government and the American Government are each to furnish one-half of the ships required in addition to those under the control of the C.R.B.

¹ E. N. Hurley, Chairman of the United States Shipping Board.

² R. B. Stevens, American Representative on the Allied Maritime Transport Council.

The best permanent solution seems to be that the C.R.B. should have the first call on the 200,000 [tons] dead weight of non-war-zone vessels to be acquired under the Swedish agreement. This would put the burden of meeting this service in equal proportion on America and Great Britain, as the Swedish tonnage will fall within the 50-50 agreement. Vessels secured under the Swedish agreement cannot, however, be depended upon to carry cargoes to Holland before late August or September.

As a temporary working arrangement for supplying the minimum requirements of the C.R.B. the British Government has agreed to the following program:

Immediate pressure is to be applied in order to secure for the C.R.B. the following seven vessels: *Kronprins Gustaf Adolf* and *Pacific*, now in United States ports; *Kronprinsessan Margareta*, *Oscar Fredrik*, *Kronprins Gustaf*, now in Sweden; *Valparaiso*, now at Buenos Aires; *Tasmanic*, now at New York.

It is estimated that these vessels can make ten voyages before September.

Great Britain will provide from ships under her control or by interchange arrangements with France and Italy, eight cargoes during the next three months, if America will agree to provide a similar number.

The most pressing immediate need is to take care of the necessary May loadings; nine ships to carry approximately 40,000 tons of foodstuffs will be required for this purpose. If Swedish vessels (1) *Tasmanic*, (2) *Kronprins Adolf*, (3) *Pacific*, can be secured, six additional vessels must be found. Great Britain will find three of these, leaving three for America to find.

In regard to June loadings, if Swedish vessels, (1) *Kronprinsessan Margareta*, (2) *Kronprins Gustaf*, (3) *Oscar Fredrik*, (4) *Valparaiso* can be secured, six further vessels must be found; Great Britain will arrange to provide three of these if America will arrange to provide the other three.

As regards July loadings this means three further cargoes can be loaded by the three Swedish vessels, which are to be loaded in May, making another voyage. This will leave four, of which Great Britain will provide two if America will provide the other two.

Mr. Poland, Director of the C.R.B. for Europe, states that the program set forth above is not sufficient to provide the approved minimum ration of the C.R.B., but it does provide the absolutely minimum amount of foodstuffs to be loaded in May. If the general principle that the ships needed by the C.R.B. shall be provided in equal shares by Great Britain and America is approved, the problem of meeting the deficit in June and July can be worked out later.

I most earnestly urge immediate and favorable action on their part and that the United States and Great Britain should provide in equal shares the ships needed for Belgian Relief. The ships for May loading should be assigned at once as the situation is very critical. Unless this is done the people of Belgium and northern France will starve.

Obviously the obligation to supply ships to Belgian Relief must be borne either by the United States or Great Britain, as these two countries have the most tonnage under their own flags and control most of the neutral tonnage. At the beginning of our negotiations the English insisted that America should provide all the ships for Belgian Relief. I have had great difficulty in securing agreement on their part to provide one-half the required tonnage in view of the aid in ships which England is giving to France and Italy and the losses she has sustained through the submarine campaign. I am satisfied that this proposal of sharing the burden of providing tonnage for Belgian Relief between Great Britain and the United States is the best solution possible.

PAGE

File No. 855.48/742

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, *May 13, 1918, 5 p. m.*

[*Received 10.56 p. m.*]

10024. For Hoover [from Relief Commission]:

96. We are completely in accord your Washington, 53,¹ that the decisions giving priority to Relief are useless unless backed by heads of Governments. Have therefore asked Monsieur Clemenceau to insist with Great Britain and United States that priority be established as a war measure and shall attempt similar action here. Since United States was party to priority decisions of conferences at Paris December 5 and April 23, Colonel House being present at former, we beg that United States in accord with decisions will also insist on practical application of priority as a war measure. Attitude here seems to be friendly, ready to proceed in accord with Paris resolution, if necessary ships are guaranteed to them immediately, otherwise they refuse responsibility. For the future we understand Ministry of Shipping believes it can afford to furnish one half amount of tonnage which they deem necessary to make up shortage, provided United States furnish other half. We are asked to beg to urge that United States agree to this original agreement, otherwise there ap-

¹ Not printed.

pears indicate refusal to concur in priority Relief cargoes at the expense of transport of men and munitions. If this position is taken by our War Department there is but one possible outcome, namely, starvation in Belgium. The respective Governments now have to decide as a matter of war policy whether the people are to be starved or fed; there is no middle course. Wheat to be [*We are at*] a complete *impasse*. In order to meet the critical requirements for May loading, in addition to the *Pacific* and *Gustaf Adolf* in United States, the British offer to allocate to the Relief three vessels, if the United States will furnish same tonnage. Our negotiations here are being rendered difficult by statement purporting to come from your office that 90,000 tons would be sufficient for Relief. This is entirely incorrect, for, on account of tonnage from the United Kingdom which must now be supplied from United States, we require 110,000 tons monthly of cargo plus 5,000 tons allowance lost space account general cargo together with 16,600 tons present bunker requirements to reduce to ship dead weight, making total monthly dead-weight ship requirements 132,000 tons against which, on account of reduction Belgian fleet, this will provide but 47,000 tons dead weight monthly leaving shortage to be made up by neutral charters monthly of 85,000 tons dead weight. The figures which we understand were forwarded in British telegram today to Lord Reading to be submitted are inadequate to provide the approved programme. Concerning Johnson boats we beg you will insist on proposals outlined your cable received May 9¹ being carried out without new conditions being imposed this side. These continually repeated new conditions have effectually prevented our getting these ships in our service. Relief Commission.

PAGE

File No. 855.48/740

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, May 13, 1918, 5 p. m.

[Received May 14, 2.14 a. m.]

10025. For Hoover [from Poland]:

97. Referring to our 96 this date, we understand on excellent authority that United States Shipping Board inquired of British War Office if they concurred in furnishing 60,000 tons required to fulfill Relief programme in order to give effect to the resolution of priority, which tonnage must be allocated at expense of shipment of men and munitions, and that British War Office replied they did not concur in this action. It appears to us that this is the dividing of

¹ Not printed.

the ways and that the United States Government together with Great Britain has now to make the decision as to whether or not the people in Belgium and northern France are to be fed. Purely as a war measure and independent of all considerations of humanity and the debt owed to our own allies, we are sure the feeding of the people of the occupied territories is equally as important as the shipment of troops and food to Britain and France. We are sure that if this question were left to the decision of the public of Great Britain and the United States, Belgium and France would be fed. Do you not believe the time has come to lay the situation before the public? And also will you not take this up personally with the President as we are taking it up with Monsieur Clemenceau and the Prime Minister? As a temporary measure to meet the May requirements we urge you to secure the concurrence of United States with the British proposal as outlined in our 96, as we feel sure this is all they will do at this time and [it] at least establishes joint governmental responsibility. Poland.

PAGE

File No. 855.48/741

The Belgian Prime Minister (De Broqueville) to the Secretary of State

[Telegram]

LONDON, *undated.*

[Received May 14, 1918, 10.41 a. m.]

May I strongly urge Your Excellency that United States Shipping Board agree to proposal of Stevens of Maritime Transport Council, first, to alleviate May crisis, the United States furnish three vessels at once, the British also furnishing three, exclusive of the *Pacific* and *Gustaf Adolf*; second, that monthly shortage of tonnage required by C.R.B. be furnished in equal parts by American and British ship executives. If this principle be agreed to it will assure the tonnage needed, as the details can be arranged. Otherwise there is danger of the present *impasse* continuing, which can only result in even graver conditions in Belgium and France.

DE BROQUEVILLE

File No. 855.48/771

The French Ambassador (Jusserand) to the Assistant Secretary of State (Phillips)

WASHINGTON, *May 13, 1918.*

[Received May 15.]

MY DEAR MR. SECRETARY: I have just received from my Government the text of a telegram addressed to the President by Prime Minister Clemenceau, concerning the food situation in Belgium,

which has become extremely alarming. Immediate help is needed and an appeal is made to the humanitarian feelings of the President, his country having already done so much to save Belgium (and northern France) from starvation.

The text of the telegram is here included and I should be much obliged to you for causing it to be placed as soon as possible in the hands of the President.

Believe me [etc.]

JUSSERAND

[Enclosure—Telegram—Translation]

The French Premier (Clemenceau) to President Wilson

PARIS, May 13, 1918.

I received from M. de Broqueville the following alarming despatch:

I have just addressed to Mr. Lloyd George the following telegram:¹

I have received alarming news concerning the food situation in the occupied portion of Belgium. The National Committee predicts a real famine during this month. The bread ration will be reduced to 180 grammes beginning on the 15th of May. The ration of starch foods is reduced because of the lack of stocks and of deliveries; compensation in fat is insufficient. Resources in native food products do not exist. The Council of Ministers brought together by the urgency of the situation addressed a direct and pressing appeal to the chief of the British Government in order that immediate measures be taken to assure the execution of the contract explicitly undertaken that they should furnish the tonnage and food products for the famished population. The King and the Belgian Government decline all responsibility for the moral and material disaster with which Belgium is menaced if efficacious measures are not undertaken without delay. This responsibility is a duty which falls to the Allied Governments. I am certain that I am able to count on your humane sentiments, your political reasoning and your generous comprehension of the duties of your country towards the Belgian people who oppose the enemy with an indomitable resistance. I come to London with my colleagues of Finance and of the Navy to ask of you a prompt solution of the problem on which hangs the existence of the Belgian people.

I appeal to your friendship and to the solidarity of France whose population in the north suffer as ours do, in order that the Government of the Republic associate itself with us in our measures taken with the Cabinet in London and aid us to assure the safety of the populations of the invaded regions. I ask of you the personal cooperation of your high political and moral authority in presenting this to Mr. Lloyd George and President Wilson. Signed, Broqueville.

I can do nothing but transmit this despatch to the President of the United States whose humanitarian sentiments have manifested them-

¹The appeal of the Belgian Prime Minister was also transmitted to President Wilson by the Belgian Minister at Washington in similar terms except for the following in place of the last two sentences; "Knowing by experience the high sense of justice and pity which characterizes the policy and inspires the acts of the United States Government, I herewith appeal to you personally with the hope that you will take up at once this urgent question in view of insuring all possible relief to the Belgian population whose resistance has so far remained indomitable." (File No. 855.48/772.)

selves with so much brilliance, at the same time supporting the measure with all my energy. I know too well what is the frightful situation of the Belgian population, as well as that of the occupied French territory. I do not know what means you will utilize, but I do not doubt that an understanding with the British Government could fairly quickly bring a remedy to the menacing famine which would take the proportions of a world-wide catastrophe if the Allies did not intervene promptly. It goes without saying that the French Government is ready to adopt all measures demanded of it which are possible for it to take.

CLEMENCEAU

File No. 855.48/796b

The Secretary of State to the Secretary of War (Baker)

WASHINGTON, May 21, 1918.

SIR: The Belgian relief situation has reached an acute stage from the political no less than the humanitarian point of view. From a message to the President received from Baron de Broqueville, the Belgian Prime Minister, it appears that the King of Belgium and the Belgian Cabinet decline to assume the responsibility of the moral and material disaster which confronts Belgium if immediate and thorough measures be not resorted to at once, De Broqueville adding that, "this responsibility rests with the Allied Governments." Mr. Clemenceau, the French Premier, with whom the matter was taken up, states that he could do nothing but transmit Mr. de Broqueville's appeal to the President, at the same time supporting the measure with all his energy.

Mr. Hoover believes that actual starvation in Belgium could be averted if the Commission for Relief in Belgium could have at once 40,000 tons of shipping for May loading, 55,000 tons for June loading, and 26,000 tons for July.

In view of the international importance of this critical situation, I considered it advisable to take the matter up with the President and am now in receipt of his reply stating that he regards this question of Belgian relief as of capital importance from every war point of view as well as from every humanitarian point of view; that Mr. Hoover has obtained a little additional tonnage by subtraction from the Cuban sugar trade, but far from enough; and that the President does not think that we can too earnestly press the matter home to the serious attention and early action of those who control shipping.

I beg to bring the foregoing to your attention for such urgent action as may be taken in the premises.

I have [etc.]

ROBERT LANSING

*Public Statement Issued by the Food Administration*¹

Mr. Hoover to-day (Wednesday) issued the following:

President Wilson to-day settled the arrangements by which the fleet of steamers employed by the Belgian Relief Commission were restored to their normal number and the grave peril which for the past month has overhung the 10,000,000 Belgian and French people in German-occupied Belgium and France is removed.

As a result of the diversion of a large part of the shipping employed by the Relief Commission to other war purposes, it had been necessary to reduce the bread ration to 6 ounces per diem, this being 1 ounce below even the present German ration, with corresponding reductions in the other foodstuffs.

Negotiations have been for some time under way between the British, French, and American Governments through Messrs. W. B. Poland, in Europe, and Mr. Prentiss Gray, of the Relief Commission, here, with the cooperation of Mr. Hurley, of the United States Shipping Board; Mr. Franklin, of the ship-control committee; and Mr. Stevens, their representative in Europe, and the British shipping executive, by whose combined efforts arrangements have been made through which the American and British Governments have each undertaken to find one-half of the necessary shipping in order to restore the volume of foodstuffs necessary for the maintenance of these people.

Ships have been assigned from those formerly plying in the Allied food trades and adjustments have been made in the American shipping position, amongst others, to take 50,000 tons of shipping from the Cuban sugar trade applying it to equivalent purposes. This latter has been made possible by the reduction in sugar to the confectionery and sweet-drink industries, through the rationing scheme now in operation by the Food Administration.

Our President and Premiers Clemenceau and Lloyd George have all personally interested themselves in finding a solution to the situation. Shipping providing for the dispatch of 90,000 tons of foodstuffs in the next 30 days has been placed at the disposal of the Commission, and further arrangements settled for the future.

Even with this additional shipping, the Belgian ration must be of the most meager character, but I am confident that actual starvation on a wholesale scale has again been saved.

¹*The Official Bulletin*, Washington, May 23, 1918 (vol. 2, No. 317), p. 1.

File No. 855.48/797

The Chargé in Great Britain (Laughlin) to the Secretary of State

[Telegram]

LONDON, *October 11, 1918, 5 p. m.*[*Received 8.11 p. m.*]2728. Rathbone¹ from Davis:²

706. British Treasury informed me today that in view of present military operations in Flanders and the imminent evacuation by enemy of territory hitherto occupied, Belgian Government and Director of Commission for Relief have obtained approval of Foreign Office for relief of liberated Belgian population to be undertaken at present by Relief Commission who are in consultation with Hoover.

According to confidential military information this relief will be required within next few days and to avoid complicating position by calling upon Commission to divert floating cargoes, British War Office has agreed, subject to approval of British Treasury, to supply immediate requirements up to 20,000,000 rations from army stocks. British Treasury desired to know today if we will allow Commission for Relief to reimburse them in dollars for supplies so furnished such as flour, meat, condensed milk, at [same price] purchased by them from us in order to replace corresponding amount of stock. I informed them I could not make any commitment and could not consult Crosby because of interruption in telephone line, but that on account of urgency and importance of situation, would recommend it as an exception not to be considered as a precedent. War Office requiring immediate answer in order to augment its stocks in proportion to anticipated demands. British Treasury gave its approval but requested me to submit matter to you. Understand civil population will necessarily have to be supplied for short time from supplies of occupying army. Total value for 20,000,000 rations estimated at \$5,000,000 of which approximately one-half represents above items for which dollars or replacement would be requested. While rations supplied to population under such circumstances will probably be more liberal than ordinary allotments, understand this will eventually reduce correspondingly purchases of Relief Commission in America.

LAUGHLIN

¹ Albert Rathbone, Assistant Secretary of the Treasury.

² Norman H. Davis, Treasury representative at London and Paris.

File No. 851.48/29

The Chargé in Great Britain (Laughlin) to the Secretary of State

[Telegram]

LONDON, October 14, 1918.

[Received 7 p. m.]

2779. For Hoover [from Poland]:

C.R.B. 129. Monday. Please advise New York. Have just returned from France after having conferences with French and Belgian Governments and Red Cross regarding *ravitaillement* of released territories. Advised Governments that our attitude is, while willing to assist in every possible way, we should relinquish all *ravitaillement* as soon as French and Belgian Administrations are able to handle it. Governments however desire us to continue for present wherever possible to assist in feeding released region, finally relinquishing to Governments several months hence when they are better organized. Have requested Belgian and French Governments to consult and determine exact course they wish followed to meet emergency, strongly recommending at least 50,000 tons balanced rations be accumulated at Channel ports or strategical points behind lines to meet sudden demands sure to come. Has been suggested Commission deliver such emergency supplies at Channel ports which I have agreed to provided Governments make necessary arrangements for the additional ships and food required, and it is understood our responsibilities end there, distribution being undertaken by French and Belgian authorities. This food would not be imported under German safe-conducts. This tentative arrangement to be temporary and Flanders and French cities to be again fed via Ghent when possible. Brown¹ under date of 11th advises:

Von der Lancken informed Francqui on 9th that he expected Germans would leave Brussels within 15 days proposing to turn over civil administration of evacuated Belgium temporarily to Comité National. Also no breaches of guarantees up to the present. Evacuation difficulties of Lille and West Flanders have caused some stoppage of lighters which are now being concentrated at Antwerp, Brussels, Louvain, and Mons. Shipments forward being made as necessary. On October 5, Labbé reported four weeks' stocks of bread grains in Lille and other principal stocks largely in same proportion. Situation apparently well in hand. All possible steps being taken to meet or anticipate rapidly changing conditions.

In case of partial evacuation of France and Flanders we have advised Rotterdam that every effort be made to continue to feed liberated people via Terneuzen Canal and Ghent. Endeavoring to arrange with German authorities that distribution from our supplies

¹ Walter L. Brown, Director of C.R.B. at Rotterdam.

imported under safe-conducts be made to civil population under neutral supervision outside as at present inside. Our Rotterdam office has been instructed to feed French or Belgian refugees arriving in Holland, estimated at perhaps one-quarter million. These are now approaching Dutch frontier. In case of peaceful evacuation by Germans this movement into Holland can probably be stopped. We have authorized our representatives in Brussels and Rotterdam to make out of Relief supplies or funds in Belgium or Holland whatever expenditures may be urgently required for providing coal, clothing, shelter, food, for refugees wherever they may be. If the evacuation is forced by combat we believe that the food reserves will be practically eliminated in the released territories and that few persons will remain, certainly not over 25 per cent, and that the *evacuées* into still occupied territory or Holland, numbering several millions, will be dependent entirely upon imports. This will require increased monthly imports [for] them of about one-third to replace lost native ration, or if France and Flanders entirely evacuated and devastated would require 10,000 tons additional imports of food per month. Situation changing rapidly and we will keep you advised of developments. Necessary to foresee that when civil population now receiving 2,000 calories is released from enemy domination they will demand same food supply as people of France and England, namely, 3,000 calories, which would require increase of food imports of 55,000 to 65,000 tons monthly. In conference with management of Red Cross in France I stated we expected they would handle local charitable emergency requirements of released territories. This seems provided for in Belgium but the position as to civil relief in France by Red Cross not entirely defined [owing] to overwhelming demands of military situation. I have been asked to consult with Red Cross management as to conduct of charitable work in released territories and have said C.R.B. always glad to furnish advice but without any official connection. Detailed reports by letter. Am having report from Doctor Leach of *ravitaillement* conditions during last year, etc., in released territories, St. Mihiel, St. Quentin, Cambrai, and Roulers. Poland, Relief Commission.

LAUGHLIN

File No. 855.48/797

The Secretary of State to the Chargé in Great Britain (Laughlin)

[Telegram]

WASHINGTON, October 16, 1918, 2 p. m.

2003. For Crosby from Rathbone:

Treasury No. 484. Embassy's 2728, October 11, 5 p. m. Your 706. For Davis: Commission for Relief in Belgium is entitled to reimbursement from British Government in dollars approximately

2,200,000. See our 499.¹ For flour C.R.B. is obligated to reimburse Wheat Executive in dollars about one million. See cable of Relief Commission in London of October 10 to Relief Commission here.¹ Proposed reimbursement of British Treasury for 20,000,000 rations should be net amount after figuring reimbursements for freights and for flour above mentioned. C.R.B. states it can make this net reimbursement without increasing its dollar demands on French and Belgian Governments. In view of urgency and importance and without constituting precedent we will consent to such net reimbursement up to f.o.b. cost on advices that rations purchased in United States actually delivered on understanding that replacement will be made from United States. Distribution of rations should be made under such supervision or by such agencies as Crosby approves.

LANSING

File No. 103.97/471

The Chargé in Great Britain (Laughlin) to the Secretary of State

[Telegram]

LONDON, *October 16, 1918, 9 p. m.*

[*Received October 17, 3.30 p. m.*]

2869. For Hoover from Poland:

C.R.B. 131. Wednesday. Your 80.² We are entirely in accord. Most of steps you outlined have been taken as per my 129 and by subsequent action. No indications yet that refugees have entered Holland but French Government have approached Dutch asking them to shelter refugees and have asked us to allocate supplies required or agree to recompense Dutch later in case they provide foodstuff from local stocks. To all of this I have agreed N[etherlands] O[versea] T[rust] conditions to be observed. British have approved action. Germans apparently making efforts to remove for feeding civil population all relief stocks as evacuations proceed and have agreed in case of failure to make good deficit. Only small numbers of people at present remaining behind, but these conditions may change. At joint meeting with British concerning 50,000 tons reserve rations it appeared that whatever stocks necessary can be provided, as you suggest, in small part from Great Britain or from stocks now in France. Feeding of the people in early stages at least can be entirely cared for by British, French, Belgian military organizations assisted by their civil committees already organized, without the intervention of Commission. This in accordance with my suggestion to French and Belgian Governments which I knew were in accord with your views. In addition British military have arranged to provide 20,000,000 emergency rations, and French military

¹ Not printed.

² Not found in the files.

now being asked to do same. In all this emergency work behind the line my position has been that the Commission is only concerned in helping obtain assurance that all adequate provisions are being made and acting as intermediary when necessary. American Treasury representatives London confused director C.I.R.¹ with director C.R.B. and advised Treasury that I recommend the 20,000,000 British military rations to be paid for out of C.R.B. funds. While I consider it imperative that respective Armies feed released populations, they alone being able to carry out distribution and accountability, I did not make above recommendation, nor do I believe Commission should be involved in any way, but that adjustments should be made between respective Governments alone. I have, however, advised that if the price of assurance of feeding the civil populations by the military is that same be paid out of Commission funds, I am of course in accord if you approve. I am sure both French and British military have always planned to take this action. Concerning aid for refugees in Holland I took tentative steps in Paris to re-collect C.R.B. men and think we can count on a number. Of course all important decisions will be referred to you. Poland, Relief Commission.

LAUGHLIN

File No. 855.48/808

Memorandum of the Assistant Secretary of State (Phillips) to the Secretary of State

October 18, 1918.

DEAR MR. SECRETARY: The Belgian Minister tells me that Mr. Hoover has telegraphed to the Relief Commission in Belgium to begin preparation for future disbandment of the work of the Commission: in other words to prepare to turn it over to the Belgian authorities. De Cartier thinks this is a great mistake; that Mr. Hoover is moving too rapidly although his intentions are good, and wants us to stay Mr. Hoover's hand.²

W. PHILLIPS

File No. 855.48/799b

The Secretary of State to the Chargé in Great Britain (Laughlin)

[Telegram]

WASHINGTON, *October 19, 1918, 3 p. m.*

2302. For Poland from Hoover:

For your own information and for reasons will communicate later, Belgian Government may ask and it may be insisted by American

¹ Commission Internationale de Ravitaillement.

²According to a note in the files, Mr. Phillips brought the Minister's views orally to the attention of Mr. Hoover on Oct. 29.

Government that C.R.B. continue through reconstruction period. If so, will ask have all relations precisely defined by President.

LANSING

File No. 855.48/807a

The Secretary of State to the Chargé in Great Britain (Laughlin)

[Telegram]

WASHINGTON, October 23, 1918, 4 p. m.

2358. For Poland Crevooh [*sic*] from Hoover:

Yours C.R.B. 132.¹ I feel you should have stood upon the agreement by which all Relief foodstuff is immune "for the suffering civil population in Belgium" under the German safe-conduct contracts. This surely implies the population released by evacuation as well as that held. Also, I fear that even if the Germans refuse to agree that you send food behind the Allied lines our ultimate course must be to do it anyway, for we cannot be placed in position of starving these people at German request. If Germans refuse, you have no other course than to ask Admiral Sims to call in all Relief boats and convoy them to Rotterdam. You can only wait for German reply for a certain time without jeopardizing released population during which the French and British military ration will take care of the population. In the meantime send American delegate to each committee headquarters in order to keep in touch directly with the feeding situation and to ultimately deal between Rotterdam and such committees. I would suggest obtaining as many of the following as you need in first instance: Robert Jackson, Percy, Wellington, Wickes, Withington, Stockton, Kittredge, Dorsey Stevens.

LANSING

File No. 855.48/802

The Chargé in Great Britain (Laughlin) to the Secretary of State

[Telegram]

LONDON, October 23, 1918.

[Received 9.25 p. m.]

3034. For Hoover [from] C.R.B.:

138. Wednesday. At meeting of French, British, Belgian representatives under auspices Wheat Executive today, French Government stated they were in position to care for all immediate needs of their released population. It is understood British military

¹ Not printed.

will turn over as requested to Belgian *intendance* 20,000,000 rations for released territories. Belgian Government have 20,000,000 rations stored principally in Paris which they will immediately bring up. It is understood Belgian Government will approach French to obtain assurances from them that they may count on additional supplies if necessary for their liberated districts. I have suggested adjustments and settlements be made through Inter-Allied Food Council, London, and have told Belgians they must take up with United States concerning credits to cover same. Brown and Van den Branden starting today investigate conditions in Flanders. Have not yet heard from Germans regarding sending Rotterdam supplies into released territory.

LAUGHLIN

File No. 855.48/804

The Chargé in Great Britain (Laughlin) to the Secretary of State

[Telegram]

LONDON, *October 24, 1918.*

[*Received 9.15 p. m.*]

3075. For Hoover [from Poland]:

140. Thursday. Your unnumbered October 24 [23] in answer to our 132.¹ My 138 explains that with the 20,000,000 British military rations and 20,000,000 balanced rations held in reserve by Belgian Government the 800,000 people of the released population Belgian territory should be protected for nearly two months. In addition we have several thousand tons supplies in Rotterdam imported without German safe-conduct and shall receive considerably more from the United Kingdom under these circumstances. Although we have technical right to ship German safe-conduct supplies into released territories, in view of critical situation of 7,500,000 people still in occupied territory should Germans seek to take advantage of what they might claim to be violation on our part, I thought it best to be safe and demand their acquiescence, particularly as in view of their refusing we shall have time to despatch cargoes without safe-conducts direct from United Kingdom to Flushing to meet demand of released territories. I assume in this case vessels would be despatched to convenient British or French ports, thence conveyed to Flushing. Am discussing with Admiralty and Admiral Sims. Poland.

LAUGHLIN

¹Not printed.

File No. 855.48/807

The Chargé in Great Britain (Laughlin) to the Secretary of State

[Telegram]

LONDON, *October 26, 1918, 5.32 p. m.*[*Received October 26, 5.32 p. m.*]

3127. For Hoover [from Relief Commission]:

No. 282. Saturday. There are 6,000 *evacuées* in Holland. Fourteen thousand more expected shortly. Dutch Government and Commission representatives taking every possible step to care for them in Belgium. Owing to unavoidable conditions *evacuées* are suffering terribly from diseases, insufficient clothing, and shelter. Everything possible being done by Dutch and Spanish Ministers, C[omit ] N[ational], C.R.B., and above all by population of Belgium itself. Germans making strong efforts to provide transportation for *evacu es* and as far as possible reduce suffering. . . . All arrangements tentatively made for convoy of Relief ships to Channel ports or Flushing should same be necessary. Only action required on your side will be turning over vessels with information about speed and destination, whereupon they will be convoyed to designated port in Holland or Flanders. Leach is making report on Lille, Roubaix, Tourcoing districts. Unless successful in getting other representatives will send him to Belgium.

Representatives of Lebrun and Vilgrain for French Government have made investigation of *ravitaillement* organization and find it so complete and in all ways satisfactory that, reversing their first intention to reorganize the whole work themselves, French Government wish the feeding to be continued, as they say: "The French Government will be glad to have the Commission for Relief continue its task in the French liberated territories until such time as normal life may be renewed in those regions." It is, of course, understood that the French Government will complete the rations imported by the [C.R.B.?]. My judgment is that we should only resume feeding city districts of France, which we estimate will include not over three or four hundred thousand, when possible to do so through Terneuzen Canal, or, if this delayed too much, we could divert eight or ten thousand tons per month to Dunkirk whence there is a good canal to Lille, turning over cargo ship's side to French authorities to be delivered to [relief] committees, our direct responsibility ending ship's side. What is your position? Have arranged keep separate accountability of supplies for released territories. Your No. 77.¹ Suggest you see Davis who arrived in Washington today regarding

¹ Not printed.

British Treasury action on relief expenditures account of charters, etc., advising what further action we should take here. Relief Commission.

LAUGHLIN

File No. 855.48/819a

The Secretary of State to the Chargé in Great Britain (Laughlin)

[Telegram]

WASHINGTON, *October 29, 1918.*

2484. For Poland from Hoover:

Your 282, our 90.¹ Have cabled Simpson. Kellogg will of course do anything you wish. Seems to us we must assist French from Rotterdam as soon as canals open and until communication is restored from south. If opening of Terneuzen Canal much longer delayed seems to me you will need to divert some cargo to Dunkirk for both France and Belgium, provided flour mills undestroyed. Arrange accounts and method of handling French relief in accordance with wishes French authorities, consulting Vilgrain. Do not be too hasty in final selection of delegates as we desire only highest grade for new work. Will cable our suggestions soon as our position is clear. Cable date when Red Cross expedition for Italy, et cetera, propose to leave Paris.

LANSING

File No. 855.48/809

The Belgian Minister (De Cartier) to the Secretary of State

WASHINGTON, *October 29, 1918.*

SIR: I have the honor of transmitting to you herewith a memorandum in regard to the work of reconstruction of Belgium, which the Government of the King desires to submit for the consideration of the Government of the United States, which has consistently shown such sympathy and devotion to my country.

The plan of reconstruction tentatively outlined in this memorandum has also been laid before the Governments of France and Great Britain in accordance with the sentiments expressed by those Governments in the Declaration of Sainte-Adresse,² and on other occasions.

In order to facilitate an exchange of views and to arrive rapidly at a solution of the question, the Government of the King requests that the Government of the United States will be kind enough to

¹ Not printed.

² *Foreign Relations*, 1916, Supplement, p. 17.

designate someone, now in Europe, with whom the matter may be discussed and to whom any information or explanations desired by the United States may be furnished.

Please accept [etc.]

E. DE CARTIER

[Enclosure]

The Belgian Legation to the Department of State

MEMORANDUM

1. The Belgian Government suggests to the Government of the United States and to British and French Governments that all orders given by the Belgian Government for supplies needed for the restoration of Belgium, be assimilated to war necessities, that is to say, that they should enjoy a right of preference and be executed by means similar to those which the Allied Governments have employed to satisfy war needs.

2. By the expression "industrial and agricultural restoration of Belgium," is meant the delivery on Belgian territory of material and merchandise needed, in addition to what the enemy may have left in the country, for the reestablishment and recuperation, in equivalent power and quantity, of means of production and transportation and of materials, whether raw, in process of manufacture, or finished, which were in the possession of Belgian citizens on August 4, 1914.

The inventory of such goods and merchandise will be made in good faith by the Belgian Government.

3. In view of the fact that the length of time within which the restoration must be effected, is of capital importance, it would seem advisable that among the means to be utilized for such restoration, the United States and the Allies would, in case of necessity, examine the question of taking from their own stocks and commandeering from governmental and private concerns the necessary goods and material, whether raw, in process of manufacture or finished.

4. Payments for goods delivered to Belgium shall be made by the United States and Allied Governments to their nationals and debited to a special account opened for Belgium and such payments shall be reimbursable under conditions to be determined, from the indemnity to be paid to Belgium by the Central Powers, in reparation of damages caused.

5. The Belgian Government appoints the "Comptoir National pour la Reprise de l'Activité Economique en Belgique" as its agents for the execution of such matters relating to industrial restoration, and the "Association Nationale pour la Restauration de l'Agriculture en Belgique" as its agent for the execution of such matters relating to agricultural restoration.

6. The needs of Belgium shall be laid before an inter-Allied commission composed of delegates of those countries which participate in the restoration of Belgium.

The Belgian Government will present and explain its programs through a permanent commissioner assisted by technical delegates.

7. The object of this inter-Allied commission will be to make a summary examination of the programs in order to assert that they do not include any exaggerated items and then to distribute the execution of these programs among the Allied countries. In each of these countries there shall be established a national commission to which shall be sent the programs assigned to it by the inter-Allied commission.

These national commissions, composed as they will be of prominent men, will have a great influence upon the success of the work of the restoration of Belgium.

8. The rôle of the national commissions will be to make known to Belgian interests the industrial, commercial and agricultural resources available in their respective countries for delivery in Belgium; to bring about, between the Belgian executive agents and the Allied producers, direct relations with a view to the examining and discussing the terms and conditions of orders, and ultimately sanction these orders, giving them the character of governmental purchases which will secure for them the right of priority proper to war necessities.

9. Every restitution in kind which it may be deemed opportune to demand from the enemy will diminish by so much the need for supplies for the restoration of Belgium. In the same way whatever the Congo will be in a position to provide will not be asked from the United States and the allies of Belgium.

File No. 855.48/820

President Wilson to the Secretary of State

WASHINGTON, November 6, 1918.

[Received November 8.]

MY DEAR MR. SECRETARY: In view of the approaching evacuation of Belgium and the new problems that confront this unfortunate people, I have asked Mr. Hoover to expand the activities of the Commission for Relief in Belgium to cover the entire relationship of this Government, and possibly that of other governments, together with all American public charity, to the whole business not only of food but also clothing, raw material, tools, machinery, exchange and other economic relief involved in the reconstruction of Belgium.

I would be obliged if your Department would give him all support and cooperation in this matter and refer to him for guidance in all questions of an economic order that arise in any connection between Belgium and this country.

Faithfully yours,

WOODROW WILSON

File No. 855.50/20

The Minister in Belgium (Whitlock) to the Secretary of State

[Telegram]

HAVRE, November 9, 1918, 9 p. m.

[Received November 10, 7.34 a. m.]

153. Director General of the Belgian Foreign Office in absence of Hymans has been to see me with reference to the program of reconstruction of Belgium. He says that he fears that there is a misunderstanding at Washington of the situation and implores me to help him to make it clear. The situation in Belgium is indeed grave. There are no means of giving employment to the industrial population and with events moving as swiftly as they are, within a fortnight the regions around Charleroi and Mons will be delivered and a million workmen, nearly all Socialists, will be demanding work and if it cannot be provided the gravest social disturbances are to be feared. The Belgian Government is in despair and looks to America and to Hoover for that help which has heretofore never failed. England indicates its willingness to give priority on all orders for machinery for Belgium, and while France can do little the relations that have existed between Belgium and these two countries make it impossible for Belgium to exclude their interest. What Belgium wants is industrial machinery to equip her factories and so Belgian Government would like to have priority given to orders placed in America and priority as well for their shipment to Belgium, the credits to be adjusted according to the program already submitted at Washington. If that program is not acceptable the Belgian Government would like to have the American Government or Hoover send at once a criticism of the program or suggest another program or delegate some competent person now in France to discuss the details. The urgency is great and if Belgium is to be saved some solution must be reached before the rest of her territory is delivered. It is with the greatest sympathy for the situation in which Belgium now finds herself that I forward for Belgium appeal to the President, to you, and to Hoover. We have saved her from famine, we must save her from revolution.

WHITLOCK

File No. 855.48/825b

The Secretary of State to the Minister in Belgium (Whitlock)

[Telegram]

WASHINGTON, *November 14, 1918, 7 p. m.*

323. For Whitlock from Hoover:

Respect to your telegram No. 153 of 9th. There is every sympathy and desire here to assist the Belgians. Every priority has and will be given and the Government is now enlarging its assistance in food relief and clothing to a very remarkable degree considering the sacrifice in shipping that it entails. Assistance in tools and machinery can only be extended after we have accurate knowledge of what is required, a thing impossible until evacuation; and credits must be established to pay therefor which also must either be arranged through banks or new legislation by Congress. The President has asked me to take charge of organizing American interest in Belgian reconstruction and I will arrive in Brussels for consultation about December 10.

LANSING

POLISH RELIEF

File No. 861.48/252

The Secretary of State to the Ambassador in Spain (Willard)

[Telegram]

WASHINGTON, *February 16, 1917.*

261. At request of Joint Distribution Committee of Funds for Jewish War Sufferers, ascertain from Spanish Government whether Spanish Ambassador in Berlin will undertake to receive funds cabled to him for the purpose of purchasing foodstuffs for non-combatant inhabitants of Poland, and transmit same to local relief committees in Warsaw and Vilna. Until now Polish relief committees in United States have cabled funds through Warburg & Co., Hamburg. From Hamburg money was transferred to Berlin and placed to credit of committee of influential Jews. This committee has branches in Poland and distributes money in accordance with their requests. Branch committees are composed of subjects of Russian Poland. A new arrangement must now be made for transmitting money to the Polish relief committees. Central Berlin committee would give guarantees to Spanish Ambassador regarding proper distribution by local committees of the money in Poland.

LANSING

File No. 861.48/255

The Ambassador in Spain (Willard) to the Secretary of State

[Telegram]

MADRID, *February 27, 1917, noon.*

[Received 6 p. m.]

379. Department's 261, 16th. Foreign Office state Spanish Ambassador Berlin will receive funds from American Commission for Jewish War Sufferers in Poland. Ambassador suggests funds be transmitted as at present to Warburg & Co., Hamburg, who will remit to central committee, Berlin, against receipts. Spanish Ambassador adds that it will be impossible for either him or central committee to purchase foodstuffs in Germany.

WILLARD

File No. 861.48/448

*The Secretary of State to the Treasurer of the Joint Distribution Committee of Funds for Jewish War Sufferers (Lehman)*WASHINGTON, *April 21, 1917.*

SIR: The Department has been giving careful consideration to the question of continuing the relief work which is being carried on by your Committee among the Jews in that part of Russian Poland now occupied by the Germans, and has reached the conclusion that the method of sending this relief through the Spanish Ambassador in Berlin is not wholly desirable, and that a neutral committee should be formed in a neutral country with entirely new machinery for carrying on this work.

Realizing, however, the great suffering among the people to whom your Committee has been extending relief, the Department will raise no objection to the Spanish Ambassador here transmitting to the Spanish Ambassador in Berlin \$100,000 to be distributed by the Spanish Ambassador in Berlin directly to the Russian committees in occupied Poland. In future, however, the relief funds should be transmitted through a committee in a neutral country, and I beg that you will take immediate steps to create this new machinery of distribution.

I am [etc.]

For the Secretary of State:

WILLIAM PHILLIPS

Assistant Secretary

File No. 861.48/292

The British Ambassador (Spring Rice) to the Counselor for the Department of State (Polk)

WASHINGTON, April 27, 1917.

[Received April 30.]

MY DEAR MR. POLK: With reference to your enquiry as to whether relief is being sent from the United Kingdom to Russian Jews in enemy-occupied districts of Poland, and if so through what channel, I beg to advise you of the receipt of a telegram from London to the effect that His Majesty's Government have been compelled to discourage proposals to forward such relief, owing to the impossibility of insuring that it would reach the desired quarter.

Believe me [etc.]

CECIL SPRING RICE

File No. 811.142/2097

The Secretary of State to the Minister in Switzerland (Stovall)

[Telegram]

WASHINGTON, May 11, 1917.

573. From Red Cross, for General Polish Relief Committee, Vevey:

American Red Cross has some funds for Polish relief. Can you distribute for benefit of Poles outside territory occupied by Germany? Can only send for this purpose.

LANSING

File No. 861.48/297

The Minister in Switzerland (Stovall) to the Secretary of State

[Telegram]

BERNE, May 15, 1917.

[Received 10 p. m.]

913. Your 573, 11th. General Polish Relief Committee writes that Committee extends activity not only to Polish territory occupied by Germany and Austria but also to various districts in Russia in which are numerous Polish refugees, about one million persons, their needs enormous and daily growing. Committee sends funds to local committees composed of persons of confidence. To present date Committee has despatched to Russia over 938,000 francs. It is in constant communication with these committees and can send funds reserved by American Red Cross, of which funds it

will render strict account. Expresses to Mr. Lansing hearty thanks for support by American Red Cross of objects of Committee.

STOVALL

File No. 861.48/300a

The Secretary of State to the Chargé in the Netherlands (Langhorne)

[Telegram]

WASHINGTON, May 16, 1917, 4 p. m.

516. Please ascertain whether the Netherlands Government would be willing to cause limited distribution under active supervision of Dutch Consul at Warsaw of relief funds to destitute Russian and Polish Jews and Russian Poles in Russian Poland under German occupation. Since it is a matter of prime importance that the funds should not reach German hands nor those of her allies, a method of distribution would have to be devised which could be considered as a guarantee to that end. Should the proposal be favorably received, we should be glad to learn the views of the Consul in this regard.

LANSING

File No. 861.48/306a

The Secretary of State to the Minister in Switzerland (Stovall)

[Telegram]

WASHINGTON, May 26, 1917, 4 p. m.

610. Please ascertain character and composition of the General Polish Relief Committee of Vevey, also Polish Committee at Lausanne, with special reference to the guarantees they can offer that relief monies reach only Russian Poles in occupied territories. Can you learn average monthly sums, if any, transmitted on behalf of French, British, or other contributors?

LANSING

File No. 861.48/308

The Chargé in the Netherlands (Langhorne) to the Secretary of State

[Telegram]

THE HAGUE, May 31, 1917, 4 p. m.

[Received 4.50 p. m.]

956. My 927, May 22, 2 p. m.¹ Confidential communication received from Minister for Foreign Affairs stating that Dutch Min-

¹ Not printed; see telegram of May 16 to the Chargé in the Netherlands, *supra*.

ister at Berlin has been asked to communicate with the Netherlands Consul at Warsaw regarding distribution of relief to Russians and Jews in occupied portion of Russian Poland, and to obtain assurances that German authorities will not interfere with distribution of funds by Consul.

Minister adds that definite reply to proposal of the United States Government in the matter will probably be delayed owing to difficulty Dutch Government is experiencing in connection with recognition by German Government of division in districts under military occupation.

LANGHORNE

File No. 861.48/313

The Minister in Switzerland (Stovall) to the Secretary of State

[Telegram]

BERNE, June 11, 1917, 10 a. m.

[Received June 13, 4 a. m.]

1025. Department's 610, May 26. Polish Relief Committee of Vevey highly commended by representative Poles of the three nationalities. Antoine Osuchowski, president of executive commission, informs me that the Committee will guarantee on its honor that American contributions will be employed exclusively for Poles in occupied territory who are Russian subjects. It thinks that supervision by neutral consul would be welcome and suggests Swiss Consul at Warsaw. No important Polish relief committee has been organized at Lausanne. Polish organization there has only political objects. Rockefeller Commission here is of the opinion that Vevey Committee is best qualified for distribution of American donations for Polish relief. Vevey Committee promises to inform me of average monthly sums transmitted on behalf of French and British and other contributors but has not as yet done so. Am forwarding by today's pouch financial reports issued by the Vevey Committee since its organization.

STOVALL

File No. 861.48/346a

The Assistant Secretary of State (Phillips) to the Chairman of the Executive Committee of the Polish Victims' Relief Fund (Paderewski)

WASHINGTON, June 15, 1917.

DEAR MR. PADEREWSKI: The Department has received information which leads it to believe that the Polish Relief Committee of Vevey is to be highly commended and that it has the proper machinery to

undertake the distribution of relief funds in Poland and to guarantee that the contributions shall be employed exclusively for Poles in the occupied territory who are Russian subjects.

The Department is therefore very glad to authorize your organization to send such further sums through that channel, in addition to the \$50,000 already remitted, as may appear to you desirable.

Sincerely yours,

WILLIAM PHILLIPS

File No. 861.48/316a

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, June 18, 1917, 5 p. m.

5012. Please ascertain and report by wire as fully as possible the policy and methods employed by the British Government in controlling remittances of relief funds to Poland and other occupied territories for the civil population, indicating through what channels such funds are directed and how their proper distribution is guaranteed. The Legation at Berne reports that during the last few days the General Polish Relief Committee at Vevey and affiliated organizations have received from British sources 3,661,000 Swiss francs for relief purposes.

LANSING

File No. 861.48/329

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, June 29, 1917, 4 p. m.

[Received 11 p. m.]

6570. Your 5012, June 18, 5 p. m. Lengthy note just received from Foreign Office giving answer *in extenso* to your inquiries which I shall forward by mail leaving tomorrow.

British Government have no knowledge of the transmission recently of large sum you mention from British sources to the Vevey Committee and hope that you will endeavor to obtain details of sources from which these funds are said to have come. Only sum authorized recently for this Committee is one of a few hundred pounds sent by the Polish Victims' Relief Fund in this country for the erection in Switzerland of a home for Polish refugee children.

British Government, at one time disposed to grant facilities freely for transmission of such funds, have now reluctantly been compelled as the result of experience to restrict them to the narrowest possible limits. It has not been possible to devise system of guarantees which will ensure that funds sent with a charitable object will in

fact reach suffering population for whom they are intended. Moreover, receipt of money in any appreciable quantity merely acts as an incentive to the enemy authorities to impose fresh exactions, taxes, levies, or requisitions, and persons in the occupied territories are being systematically urged by the enemy authorities to make appeals to the United States and Canada for funds. But few exceptions have from time to time been made to this general principle and these are set forth in the note above referred to.

PAGE

File No. 861.48/340

The Minister in Switzerland (Stovall) to the Secretary of State

[Telegram]

BERNE, July 31, 1917, 11 a. m.

[Received August 2, 5.10 a. m.]

1330. At the request of and expense of Polish General Committee of Vevey, I transmit following telegram addressed to Secretary of State:

Referring previous memorandum, take liberty inform you situation Poland becomes daily worse. Closed factories cause all population industrial centers out of work. In the country district situation equally disastrous; no workmen, no animals for transport, no agricultural implements or seed, quarter of land uncultivated. All products of soil monopolized and requisitioned by occupying powers, except small part, insufficient for Polish population, hence extreme penury of articles of food. Famine attacking millions adults and more children. Present generation threatened with destruction unless prompt aid is given. In this terrible crisis our supreme hope is in benevolence of the United States of America. In the name of General Committee, I take liberty to beg you to be our benevolent interpreter to Government of great Republic that she may give Poland same protection as Belgium by sending food in most practical way. To provide food for Poland is duty of occupying powers, but if they do not, that is no reason why millions of innocent Polish victims should perish from famine. Our Committee previously negotiated through Mr. Gerard, United States Ambassador at Berlin, on the subject, but negotiations had no result, German Government having refused to allow Polish population to employ all products of country. Political situation being now changed, take liberty resume question of providing food for Poland which is vital for her future. If American Government gives favorable decision, hope Allies will do utmost to save martyred Polish population from certain extermination. Since 9th January to 20th July, 1917, Committee collected

17,237,504 francs, the whole of which was sent either in food or cash to Poland. Can give formal assurance nothing requisitioned either passing through Germany or in Poland. Our consignments were passed duty free and addressed committees exclusively Polish. Have received receipts and reports and visits from delegates of committees confirming arrival of our consignments. On 20th April, 1916, German Government gave written guarantee engaging not to requisition our consignments and we hope to induce Swiss Government to place our consignments in charge of Swiss officers, we addressing them to Swiss Consul, Warsaw, who would hand them over to local Polish committees. Delegates from our Committee could also accompany consignments giving every guarantee that they will reach destination unhampered. Relief is given to people all religions. Warsaw feeds more than 300,000 people by public kitchens but provisions now exhausted and no [more in sight.] President Wilson with approval of whole civilized world [stated] important to save present [population] threatened with extermination by famine. Millions of lives to be saved. The United States which since opening of hostilities have given many proofs of generosity will, we hope, fulfill humanitarian duty for Poland as for Belgium, strengthening ties which united Poland to great Republic since war of independence [and winning] profound gratitude of whole nation which will owe its existence to the great and noble American nation. General Polish Committee, President of the Executive Commission, Osuchowski.

STOVALL

File No. 861.48/305

The Secretary of State to the Treasurer of the Lithuanian National Relief Fund (Sidlauskas)

WASHINGTON, August 13, 1917.

SIR: With reference to your letter of May 22, 1917,¹ I now beg leave to inform you that according to a decision reached by this Government, based upon exhaustive investigation, this Department is unable to authorize the transmission of funds to Lithuania, either through the Spanish Embassy in Washington or other channels.

The Department, however, approves of the transmission of relief funds, if so desired, to the Central Lithuanian Relief Committee in Petrograd for distribution to Lithuanian refugees in Russia, the activities of this Committee having been investigated and found satisfactory.

¹ Not printed.

Should you desire to send funds through this agency, you should forward your draft to the Department, payable to the Disbursing Clerk of the Department of State, together with any lists which you might desire to have accompany the remittances. The Department would then undertake to send such funds and lists to the American Embassy at Petrograd for delivery to the Central Lithuanian Committee above mentioned.

I am [etc.]

For the Secretary of State:

WILLIAM PHILLIPS

Assistant Secretary

File No. 012/13876

The Secretary of State to the Polish Victims' Relief Fund

WASHINGTON, August 21, 1917.

GENTLEMEN: With reference to the Department's letter of July 5,¹ and to your reply of July 9,¹ I take pleasure in informing you that the Department is now disposed to authorize your organization to undertake the forwarding of general relief funds to Russian Poland through the General Committee for Polish Relief in Vevey, under such conditions and limitations as the Department may from time to time lay down and with due regard to the provisions of any legislation which may now or subsequently be in force. This authorization is furthermore subject to withdrawal at any time.

You are requested to inform the Department promptly of all transactions which you may conduct with the Vevey Committee, stating the amount transmitted in every case.

Now that the General Committee for Polish Relief in Vevey has been selected as a distributing point for relief funds to the Poles in Russian Poland the Department desires to have some central agency here which would be exclusively recognized as a general clearing house for this class of relief and from which the Department would receive monthly reports of all such funds sent forward. Under these circumstances, the Department would be glad to learn whether it may henceforth regard your organization as such a central agency and whether it may properly refer to you such other organizations and committees as may apply for permission to send relief funds to Russian Poland.² Among others, the Maryland Committee for the Relief of Poland's War Victims, Baltimore, "Friends of Poland,"

¹ Not printed.

² On Sept. 4 the Polish Victims' Relief Fund replied that it would "gladly undertake the task of acting as such a clearing house." (File No. 861.48/354.)

Boston, and the Polish Central War Relief Committee, Chicago, would come into consideration. An expression of your views in this connection would be appreciated.

Persons desiring to send remittances to specific individuals in Russian Poland as distinguished from general relief, should be referred to the American Express Co., 65 Broadway, New York, or to Messrs. C. B. Richard & Co., 31 and 33 Broadway, New York, these two firms having been authorized by the Department to undertake this class of work.

I am [etc.]

ROBERT LANSING

File No. 861.48/348

The Secretary of State to the Reverend Nicholas Pidhorecki, of the Ruthenian Greek Catholic Church of St. George

WASHINGTON, August 23, 1917.

SIR: With reference to your letter of July 25,¹ with regard to the transmission of relief funds to Ukrainians (Ruthenians) in occupied territory, the Department informs you that for the present it has decided to authorize the American Express Co., 65 Broadway, New York, and Messrs. C. B. Richard & Co., 31 and 33 Broadway, New York, to forward such remittances, under certain conditions and limitations and with due regard to the provisions of present and pending legislation. You are, therefore, advised to communicate with one of these two firms.

I am [etc.]

For the Secretary of State:

WILLIAM PHILLIPS

Assistant Secretary

File No. 861.48/350

*The Secretary of State to Messrs. C. B. Richard & Co., New York City*²

WASHINGTON, August 24, 1917.

GENTLEMEN: With reference to your letter of August 21,¹ I take pleasure in informing you that your firm is hereby authorized to undertake the transmission of relief funds to American citizens or

¹ Not printed.

² A similar letter, of which no copy has been found in the files, appears to have been addressed to the American Express Co. See the two foregoing documents. According to letter of Oct. 16 to the American Express Co. (see *post*, footnote 2, p. 514) the previous one was dated Aug. 21.

Russian subjects in that part of Russian Poland now occupied by German or Austro-Hungarian forces, under the conditions and limitations laid down by the Department in conference with your representative, Mr. Egelhoff, and subject to such alterations of these conditions and limitations as may from time to time become necessary under new legislation or reconsideration of policy on the part of this Government.

According to the request expressed to Mr. Egelhoff by Mr. Grew, the Department will be glad to receive from you a letter confirming in detail the conditions and limitations mentioned above, as understood by your firm, as well as a concise statement explaining the machinery and channels which you propose to adopt for the transmission of funds to Poland, for ensuring the return of signed receipts from the payees, for checking against duplication, and for ascertaining that the intended payees are not enemy subjects.

The conditions and limitations mentioned above are as follows:

1. A monthly statement to be furnished to the Department giving the total sum of amounts remitted.
2. No sum to any one person, or any one family, in any one month, to exceed \$125.
3. Remittances to be made through a Dutch bank direct to Warsaw, not passing through any bank in Germany.
4. Distribution to be effected by postal order in Poland, it being understood that the remittances shall be returned where signed receipts from the payees cannot be procured.
5. Distribution to be effected through the German military authorities only when no doubt exists that signed receipts from the payees can be procured.

I am [etc.]

For the Secretary of State:

WILLIAM PHILLIPS

Assistant Secretary

File No. 861.48/522

The Russian Embassy to the Department of State

MEMORANDUM

The Russian Government is informed that the Polish General Committee in Switzerland has applied to the United States Government in order to ask immediate help for the starving population of Poland, on the same basis as the assistance rendered to Belgium.

The Russian Government is supporting that petition of the Poles emphasizing the distressing conditions in Poland and the desirability of giving aid as soon as possible.

WASHINGTON, *September 5, 1917.*

[*Received September 6.*]

File No. 861.48/368

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, September 21, 1917, 3 p. m.

5459. Department informed that Thomas Cook & Son, London, are authorized by British Government under certain conditions to forward limited sums of money to British or Allied nationals in Russian Poland under German occupation. Please ascertain and report exact channels used for forwarding of these remittances, especially whether payments have to be made through a bank in Germany as the Department understands is the case. How are payments effected in Poland and how are receipts from payees obtained and returned to London?

Have you yet forwarded to Department the memorandum mentioned in the last sentence of your despatch No. 6503 of June 29 last?¹

LANSING

File No. 861.48/378a

The Secretary of State to the Chargé in Switzerland (Wilson)

[Telegram]

WASHINGTON, October 2, 1917, 6 p. m.

985. American Red Cross has given painstaking consideration to your cablegram sent at request of Polish General Committee in Vevey dated July 31 and various communications since received indirectly from Warsaw Polish Committee concerning Polish relief, particularly supply of money for purchase of agricultural products for urban distribution.² Red Cross desires to inquire whether, if it were willing to supply substantial amounts of money monthly for purchase of condensed and evaporated milk and could make arrangements for delivery thereof in Berne in connection with shipments of food from America to Switzerland, it would in your opinion and in the opinion of the Polish General Committee of Vevey be practicable to make an arrangement whereby this milk could be delivered to the Swiss Government to be transported to Swiss consuls at three or four of the largest cities in Poland in personal charge of Swiss officers, the milk to be delivered by Swiss consuls to local Polish committees to be approved or selected by Polish Committee of Vevey for use of babies and young children, the operation to be agreed to in advance by German Government and written guaran-

¹ Not printed.² For communication of July 31 see telegram No. 1330 from the Minister in Switzerland, *ante*, p. 504; communications subsequent to that date are not printed.

tees against requisition of consignments to be given. See above-mentioned despatch of July 31. Red Cross also wishes to inquire whether, in opinion of Polish General Committee of Vevey, a supply of such milk of a value of \$150,000 per month or possibly more, furnished through Switzerland as above outlined, would not be preferable to and more expedient than a supply of approximately \$1,000,000 of money per annum for the purchase of agricultural products in Poland, as suggested in various communications received indirectly from Warsaw Committee concerning which it understands Vevey Committee is informed. Dresel understands fully suggestions made by Warsaw Committee. Reginald Foster with Red Cross, Paris, also has full information. Matter urgent. Will you kindly confer and report quickly as possible. Do not concern yourself with question whether arrangement suggested for transport from America can be made. Department desires to add that the inquiries contained in above telegram emanate solely from Red Cross and are purely tentative in character as this Government has not as yet considered or sanctioned the suggestion made therein.

LANSING

File No. 861.48/349

The Secretary of State to the British Ambassador (Spring Rice)

The Secretary of State presents his compliments to His Excellency the British Ambassador and has the honor to acknowledge the receipt of his memorandum of August 29, 1917,¹ with regard to the question of relief to the population of Poland and with special reference to a telegram received by His Majesty's Government from the Polish Relief Committee in Switzerland, appealing to His Majesty's Government for aid. The Ambassador, after reviewing the food situation in Poland, states that the British authorities are most reluctantly driven to the conclusion that, quite apart from the almost insuperable difficulties of furnishing the necessary supplies and tonnage, they would not be justified in lending their sanction to any export of food to Poland in the absence of satisfactory guarantees that all the native supplies would be reserved for the inhabitants of the country, but that they would have no objection in principle to charitable bodies transmitting funds to Poland, if adequate assurances were furnished that such funds would be employed in assisting the Poles to purchase native supplies. The Ambassador, under instructions from the Foreign Office, further requests an expression of the views of the United States Government on this subject.

¹ Not printed.

In reply, the Secretary of State has the honor to inform the British Ambassador that this Government also has received appeals from the Polish Committee in Switzerland and has taken the matter up with the American Red Cross, whose War Council, at a recent meeting, discussed this entire question. In view of all of the considerations which have been called to its attention from time to time, the Red Cross arrived at the following conclusion:

1. That no general relief of any kind should be given.
2. That no really substantial relief could be expected from the expenditure of any such amount of money as the Red Cross could consider devoting to this work. Their opinion is that the German Government would not permit more food to be purchased and distributed than would be sufficient to avoid general starvation, and that considering the present German food situation, this amount of food probably would be permitted to be purchased in any event; that the credit of the urban communities which is used for this purpose has not been exhausted, and that as the whole question of the amount of food which can be obtained and distributed is dependent upon the exercise of the discretion of the German authorities, it is not likely that sending, say \$100,000 per month, into Poland would substantially alter the amount of the transfer of food from rural to urban communities. The effect which the remittance of greater sums would have upon German exchange must further be taken into consideration.
3. That provided adequate guaranties concerning the transportation and distribution thereof can be obtained, it is desirable to forward to Switzerland and to send thence to Warsaw, and perhaps to two or three others of the very large urban communities, supplies of condensed and evaporated milk only for the use of babies and small children. This is food which is not a substitute for food now obtainable in Poland and is very greatly needed. It is believed that arrangements can be made with the Swiss Government for the transportation for the Red Cross of a minimum of say, 1,000 tons per month. The Polish General Relief Committee in Vevey is quite firmly convinced that a perfectly reliable guaranty for the delivery of such supplies at their destination can be obtained from the German Government and that probably the Swiss Government can be induced to place consignments in charge of Swiss officials for delivery to the Swiss Consul at Warsaw to be handed over by him to local Polish committees.

If an arrangement can be made whereby condensed milk only can be transported to Switzerland and thence forwarded under the charge of the Swiss authorities to the Swiss Consul in Warsaw, and the actual delivery of the milk to the local Polish committee guaranteed by the Swiss Government, and the distribution of the milk exclusively for the use of destitute Polish children assured, the War Council of the American Red Cross would feel distinctly inclined to appropriate a very substantial amount of money monthly for the purchase of such milk.

The Government of the United States believes, indeed, that to the extent that suffering can be relieved by means of this single product, it might be possible to meet practically all of the necessities in this regard of the great urban communities. Aside from these considerations, it seems to this Government that probably no means more promising than this could be found of conciliating the sympathies of the Polish people.

It may be added that this Government has raised no objection to certain designated firms and charitable organizations forwarding relief money and individual remittances, subject to the observance of certain conditions, to the Jews and Poles in the occupied parts of Poland, along the general lines previously laid down by the British Government in the same connection. Such individual remittances may not exceed \$125 per person or family per month, and monthly statements of the activities of each authorized firm and organization are required by the Department, in order that a general control may be exercised over the total amounts so forwarded.

In bringing to the attention of the British Ambassador this attitude of the Government of the United States, the Secretary of State has the honor to express to His Excellency his appreciation of the courtesy of His Majesty's Government in thus consulting this Government in the premises.

WASHINGTON, *October 3, 1917.*

File No. 861.48/380

The Chargé in Switzerland (Wilson) to the Secretary of State

[Telegram]

BERNE, *October 8, 1917, 6 p. m.*

[*Received October 10, 4.15 a. m.*]

1817. For Castle, American Red Cross [from Whitehouse]:¹

Referring to the Department's telegram of October 2, 6 p. m., No. 985, and Legation's telegram dated July 31, I have just conferred with Polish General Committee, Vevey, which states situation in Poland so desperate that they implore American Red Cross send quickly whatever can save portion of dying children. Milk of first importance. Cocoa, bacon, rice, farina, olive oil, medicines, imperatively needed. Not a drop of castor oil obtainable in Warsaw. Foodstuffs and medicines more serious than money in the present crisis, but owing to unavoidable delay in receipt of shipment to Berne, Polish Committee suggests portion of proposed monthly cash allowance be credited them here to make immediate purchases

¹ H. Remsen Whitehouse, Special Assistant to the Legation in Switzerland.

prime necessities either in Switzerland or possibly Poland. Committee believes if immediate action taken many infants may be saved whose mothers too weak to nurse them. Among adults, terrible disease has broken out as result of lack of fats, which brings on blindness first and then death. On previous occasion, Polish Committee informs me, arrangement was made with Swiss Government to distribute supplies through Swiss Consul, Warsaw, German Government giving written guarantees against requisition of consignment, and scheme worked satisfactorily. Committee's report terminates: "If America can save our children, it will win their and our eternal gratitude, and their prayers for the future of your great country." Believe cash installment of say \$100,000 would alleviate situation in some accessible districts by immediate action, but doubt personally that larger sum could at present be expended on purchases made in Switzerland. Whitehouse.

WILSON

File No. 811.142/2484b

The Acting Secretary of State to the Chargé in Switzerland (Wilson)

[Telegram]

WASHINGTON, October 11, 1917.

1016. Your October 8. Red Cross ready to provide cash up to \$100,000 for immediate relief of children in Poland. Must be definitely understood that this money for purchase of supplies, milk, medicines, etc., in Switzerland only. No purchases in Poland and money not to be sent to Poland. Also must be understood that agreements can be made for guaranteeing shipment and delivery to Polish committees as set out in Department's telegram October 2 or guarantees in opinion of Legation equally effectual. If such agreements can be made, Red Cross will undertake further shipments from this country at once subject to the approval of the American Government. If this \$100,000 is forwarded it will be forwarded to the Legation to be paid over to the Committee as needed for actual purchases. American Red Cross.

PHILLIPS

File No. 861.48/382

The Secretary of State to the Minister in the Netherlands (Garrett)

[Telegram]

WASHINGTON, October 12, 1917, 3 p. m.

721. Your 1156, August 3, 5 p. m.¹ Department informed that Spanish Ambassador received a telegram on October 2 from Minister of Foreign Affairs in Madrid stating that he had been informed

¹ Not printed; see Chargé's telegram of May 31, *ante*, p. 501.

by Spanish Ambassador in Berlin that the Oberrabbiner had told him that the German Government not only has no objection to the distribution of relief to the Jews in territories occupied by Germany, through the consular representatives of Holland, but is disposed to facilitate the distribution of these funds by means of Dutch or other neutral subjects, although up to that time there had been no negotiations in the matter between the Governments of Germany and Holland.

Please refer to your 1045, July 6, 5 p. m.,¹ and endeavor to clear up misunderstanding which appears to have arisen in this connection.

LANSING

File No. 861.48/385

The Minister in the Netherlands (Garrett) to the Secretary of State

[Telegram]

THE HAGUE, October 15, 1917, 7 p. m.

[Received October 16, 1.40 a. m.]

1487. Your telegram 721, October 12. Minister for Foreign Affairs informed me that he has just received a telegram from Dutch Minister at Berlin stating that German Government has no objection to sum of \$40,000 being paid to Mr. Nathanson through the Dutch Consul at Warsaw, and on account of rate of exchange payments must be made through the Reichs Bank and the Warsaw Landes Darlehenkassa in Polish marks. Mr. Senior has been notified. Please inform Central Distribution Committee, New York. Unable to explain why Dutch Government has not been informed of German decision before, as Minister for Foreign Affairs has sent repeated telegrams to Berlin on this subject. Distribution Jewish relief.

GARRETT

File No. 012/16396f

*The Secretary of State to the Polish Victims' Relief Fund*²

WASHINGTON, October 16, 1917.

GENTLEMEN: With reference to the Department's letter to you of August 21, 1917,³ authorizing you to send money, subject to the observance of certain conditions and with due regard to the provisions of pending legislation, to certain destinations abroad, the Department now begs leave to inform you that this authorization has automati-

¹ Not printed.

² The same, *mutatis mutandis*, on the same date, to the American Express Co. and C. B. Richard & Co. (File Nos. 012/16396c, 16396b.)

³ *Ante*, p. 506.

cally become nullified through the provisions of the so-called Trading with the Enemy Act (H.R. 4960).

The Department is taking up with the War Trade Board, in which is vested the authority to grant licenses, the question of licensing your Committee to continue its work along the lines formerly indicated. Until further advised by the Department, however, you should discontinue the transmission of all lists, drafts, transfers or other communications to the destinations specified in the authorization previously accorded.

I am [etc.]

For the Secretary of State:

WILLIAM PHILLIPS
Assistant Secretary

File No. 811.142/2472a

The Secretary of State to the Ambassador in France (Sharp)

[Telegram]

WASHINGTON, *October 16, 1917, 5 p. m.*

2716. For Dresel:

American Red Cross inquires whether while in London you interviewed British authorities concerning their attitude with respect to proposed relief of Polish children by shipments of milk through Swiss authorities, no American or commercial tonnage being used therefor, and if so what information you obtained upon the subject. Matter urgent.

LANSING

File No. 861.48/385

The Secretary of State to the Minister in the Netherlands (Garrett)

[Telegram]

WASHINGTON, *October 18, 1917, 1 p. m.*

729. Your 1487, October 15, 7 p. m. Not clear from your telegram whether German Government has agreed to let Dutch Consul, Warsaw, control distribution of American relief funds in general or only in the single case of \$40,000 mentioned. Please explain.

LANSING

File No. 861.48/392

The Minister in the Netherlands (Garrett) to the Secretary of State

[Telegram]

THE HAGUE, *October 22, 1917.*

[Received 9.10 p. m.]

1529. Your 729, October 19 [18]. Senior and Bogen only requested permission to send \$40,000 to Warsaw in order to have a

specific case presented to the German Government. This having been granted, they are arranging for similar distribution in all occupied territory. Dutch Government gladly cooperates and no further difficulty expected on the part of Germany.

GARRETT

File No. 861.48/390

The Chargé in Switzerland (Wilson) to the Secretary of State

[Telegram]

BERNE, *October 20, 1917, 7 p. m.*

[*Received October 22, 1.25 p. m.*]

1898. For American Red Cross [from Dresel]:

Department's 1025, 17th.¹ Regret accidental delay in receiving Department's 1016, 11th, preventing earlier answer. Have had further conference with President, Vevey Committee, who now freely acknowledges obvious impossibility of purchasing milk or other foodstuffs here and impracticability, even if could be bought, of obtaining export permission. As alternative requests that amount of \$100,000 mentioned be forwarded for purchase of supplies by Vevey Committee in neutral countries, such as Denmark and Spain. I hear, however, very questionable whether considerable quantity could be secured this way.

Referring Department's October 16, 5 p. m., to Paris. Did not make inquiries in London as had not been advised that Polish relief in kind was contemplated, but am familiar with attitude of British Government which has since been confirmed by interview at British Legation here and which is entirely opposed to shipment of foodstuffs, including milk for children, to Poland, on the ground that Germany has never been willing to guarantee that amount of food corresponding to that imported would not be sent out of Poland into Germany by reason of such shipments. The technicalities [*sic*] relative to this policy previous to departure of American Embassy from Berlin was due to the effective control which it was thought Embassy could exert. This question of control already emphasized as believed impossible to obtain the neutral supervision at present. In my opinion British policy, unless modification arranged through diplomatic channels, will mean impossibility of relief shipments in kind into Poland. On the other hand British consider transfer to Poland of funds for local purchases practicable and beneficial. I concur in this view and regret that at least a trial can not be made in view of undoubtedly critical situation which it seems impossible to relieve by other means. Believe that much food can still be bought in Poland

¹ Not printed.

through Jewish traders and from accumulators of stores. As to guarantees mentioned your 1016, Vevey Committee has exhibited signed communications satisfactory in form from German Legation here, dated April 20, May 27, and June 27, this year, stating that shipments by Committee of grain, mill products, rice, potato chips, and condensed milk also, in case sent directly to Committee from overseas, of fats, bacon, tinned meats, will not be interfered with in Germany nor in occupied Poland. Dresel.

WILSON

File No. 012/16396f

*The Secretary of State to the Polish Victims' Relief Fund*¹

WASHINGTON, October 26, 1917.

GENTLEMEN: With reference to its letter of October 16, 1917, the Department informs you that according to advice received from the War Trade Board you should apply direct to that Board with a view to obtaining a license to permit you to send drafts, transfers of credit, lists of payees or other communications abroad in connection with the work formerly undertaken by your Committee under this Department's authorization.

I am [etc.]

For the Secretary of State:

WILLIAM PHILLIPS
Assistant Secretary

File No. 861.48/403

The British Ambassador (Spring Rice) to the Secretary of State

No. 453

MEMORANDUM

The British Ambassador presents his compliments to the United States Secretary of State, and has the honour to inform him that he duly communicated by telegraph to His Majesty's Government the substance of Mr. Lansing's memorandum of October 3 on the subject of relief to the population of Poland.²

A telegram has now been received from Mr. Secretary Balfour, stating that His Majesty's Government agree that no general relief of any kind should be given.

They also agree in principle to remittances, limited in amount and sent through approved societies. A special committee is being

¹The same, *mutatis mutandis*, on the same date, to the American Express Co. and C. B. Richard & Co. (File Nos. 012/16396c Suppl., 16396b Suppl.)

²*Ante*, p. 510.

convened in London to control the question of remittances, and a member of the United States Embassy will be invited to attend.

His Majesty's Government regard the proposal to send milk into Poland with grave misgiving, for the following reasons:

(a) It will be difficult to maintain and to justify the restriction of this relief to a few urban communities to the exclusion of the rest of Poland and all other countries, such as Lithuania, Galicia, Servia and Syria. His Majesty's Government are at present following a consistent policy in admitting food-stuffs into Belgium and northern France (which before the war were self-supporting, and the native produce of which is guaranteed against requisition) and in refusing to allow food-stuffs into occupied territories which before the war were self-supporting, and the native resources of which are not protected from requisition. If they depart from this clear principle they will be involved in far-reaching schemes of relief which will be open to the strongest objections.

(b) The milk would have to be packed in tins. This will not only increase the difficulty of supply, but will also place at the disposal of the enemy a large quantity of tin which they are very anxious to secure.

(c) The large and influential Jewish element in Poland is to a great extent actively pro-German, and its members are often employed as German agents in collecting food-stuffs for export to Germany.

(d) His Majesty's Government do not think that any adequate control over distribution is possible. They would have no confidence in local Polish committees, and they do not regard the Vevey Committee with favour.

In view of the above, the British Ambassador is instructed to express the hope that the project of sending milk into Poland will be abandoned.

WASHINGTON, *November 2, 1917.*

[*Received November 5.*]

File No. 861.48/402

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, *November 3, 1917, noon.*

[*Received November 5, 2.45 a. m.*]

7600. Your 5459, September 21, 4 [3] p. m.,¹ transmission relief funds to Russian Poland. Foreign Office informs me following method adopted by Thomas Cook & Son for effecting payments to British or Allied nationals in enemy-occupied districts of Russian Poland:

¹*Ante*, p. 509.

The London office advises the office in Amsterdam of the payments to be made. The office in Amsterdam thereupon buys in Holland a check on a Hamburg bank and sends the check to the Hamburg office, which it is understood is open for business on certain days in every week by the instructions and under the control of officials appointed by the German Government. The remittances to the occupied parts of Russia are made by the Hamburg office which obtains receipts from the persons to whom the money is sent. The London office has no information either as to the manner in which the Hamburg office remits the money or obtains receipts, but it has evidence which shows that remittances are made through the German post office by money order. The acknowledgments are sent by the Hamburg office through the Amsterdam office to London. The London office has from time to time been informed occasionally after a lapse of as many as nine months that remittances have been returned by the German post office as undeliverable. It does not know of any case in which any money has actually been lost.

It is proposed to hold a meeting on November 6 at the Foreign Office of representatives of various Departments of the British Government interested in question of transmission of relief to enemy and enemy-occupied territory and this Embassy will be represented on the invitation of the Foreign Office.

PAGE

File No. 811.142/2542b

The Secretary of State to the Chargé in Switzerland (Wilson)

[Telegram]

WASHINGTON, November 5, 1917, 3 p. m.

1091. For Dresel from American Red Cross:

American Red Cross is willing to donate \$100,000 during month November and \$100,000 during month December for Polish relief to be transmitted to the Warsaw Committee, of which Lubomirski and Archbishop Kakowski are members, through the Legation at Berne provided the Warsaw Committee can give satisfactory assurances that the purchase of food with this money will not result in releasing other food or funds for benefit of Germany, but this relief will not be continued beyond December. This donation of cash is made with the idea of extending some immediate relief pending negotiation of agreements. Red Cross feels that agreements to be of any value this winter must be completed by January 1, and while they do not feel that cash contribution is satisfactory in principle, they are willing to make these two payments and rely upon Committee meanwhile to obtain agreements. If Polish Committee can secure the guaranties and make the arrangements outlined in the State Department's cablegram of October 2¹ sent at instance Red Cross to American Legation at Berne for transmission to Vevey

¹Ante, p. 509.

Committee, American Red Cross is willing, beginning with January, 1918, to proceed with milk relief for infants and small children in Poland outlined in that cablegram; otherwise no relief of any kind will be furnished after the end of this year. Whole arrangement, of course, conditioned upon American Government's continued consent and upon American Red Cross's continued conviction of desirability of continuing relief. Please make plain that when we speak of guaranties we mean real guaranties from German Government, not merely assurances by Committee that they have guaranties given in past which are still in force and which they believe they can rely upon.

LANSING

File No. 861.48/403

The Secretary of State to the American Red Cross

WASHINGTON, November 6, 1917.

GENTLEMEN: With reference to previous correspondence with regard to the question of sending condensed or evaporated milk into Poland as a relief measure, I have to inform you that the British Government, whose opinion concerning this proposal was consulted by the Department, has replied that it regards the proposal to send milk into Poland with grave misgivings for the following reasons:

[Here follow paragraphs (a), (b), (c), and (d) of the British memorandum of November 2, *ante*, p. 517.]

The Department is somewhat surprised at the statement that the British Government does not regard the General Committee for Polish Relief at Vevey with favor, as all reports hitherto received from various sources have indicated that this Committee is trustworthy and pro-Ally in sentiment. Apart from this consideration, the Department is inclined to agree with the points raised by the British Government and considers, in view of all the circumstances, that it would be inadvisable to proceed with the project of sending milk into Poland.

There still remains, however, the very serious question of endeavoring to relieve the distress of the Poles in one way or another, not only from the point of view of humanity, which is fully appreciated by the Red Cross, but also from the standpoint of expediency and policy, as affecting the relationship and attitude of the Poles to the United States. Should the frequent appeals for assistance, which are now being received from the Poles with ever-increasing urgency, be left uncomplied with, there is little doubt that the Germans will make full use of the fact and will endeavor to turn the sentiment of

the Poles against the United States by indicating that no help can be expected from this quarter.

I am [etc.]

For the Secretary of State:

WILLIAM PHILLIPS
Assistant Secretary

File No. 861.48/402

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, *November 6, 1917, 4 p. m.*

5735. Your 7600, November 3, noon. Please cable full report of results of conference on November 6 at Foreign Office concerning question of transmission of relief to enemy and enemy-occupied territory.

LANSING

File No. 861.48/408

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, *November 7, 1917, 6 p. m.*

[Received November 8, 4.20 a. m.]

7623. Your 5735, November 6, 4 p. m. Conference 6th November, at which this Embassy was represented, included Sir Adam Block of Finance Section of Ministry of Blockade and representatives of Foreign Office, War Office, Treasury, Censorship, and Colonial Office representing Dominions. Block drew attention to inconsistency of attempt to enforce financial blockade against Germany and to depress the value of the German mark while allowing large sums to go to enemy-occupied countries in form of relief. Estimated this year at from £300,000 to £500,000 through England to Poland alone. Great uncertainty whether these sums go to proper recipient as even when recipients [*receipts*] are returned these are often only signed by a cross. Payments even when duly made are probably in Poland either [*in*] marks at great discount or paper rubles, of which large numbers are supposedly printed by Germans.

Following plan suggested:

- (1) No general relief to be allowed.
- (2) No general licenses for sending remittances to be granted.
- (3) No licenses for any remittances direct or indirect to any one other than a subject of the remitting country to be granted except with the sanction in each case of the government of that country at war with Central Powers of which beneficiary is

citizen, government of remitting country to retain full discretion as to granting and conditions of licenses, remittances to be sent via England, and channels of communication to be used which are under control of British censorship.

(4) If these suggestions are approved here, it would appear desirable to invite the United States and Dominion Governments to adopt similar procedure and to ask them to arrange that licenses, remittances, and communications relating thereto be sent by channel controlled by British censorship and in such a manner as will secure identification and control. The United States Government would be invited to appoint a representative here to cooperate and advise with censors in England regarding control of such remittances and correspondence.

These suggestions only tentative and have not yet been acted upon by this Government, which would appreciate an expression of your opinion of their feasibility and desirability. They would only apply to enemy occupied countries and not, for example, to Polish refugees in other parts of Russia.

PAGE

File No. 861.48/408

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, November 14, 1917, 8 p. m.

5808. Your 7623, November 7, 6 p. m. You may inform Foreign Office that this Government is giving its most careful attention to the question of issuing licenses for the transmission of relief funds and individual remittances to Poland and fully intends not only to limit these remittances to the lowest reasonable amount but also to arrange for adequate control over their distribution and payment in Poland in order that no money will fall directly or indirectly into the hands of the enemy.

This whole question of permitting the transmission of funds to Poland has been most carefully examined by this Government which has reached the decision that such relief should not be cut altogether off, not only on account of the consideration it owes to the views of the loyal Jewish and Polish elements in this country who desire to prevent the starvation of their relatives in Poland, but also from the broader viewpoint of humanity. This Government is fully alive to the importance of enforcing the financial blockade of Germany and is desirous of supporting the policy of the British Government to this end in so far as it can do so consistently with the considerations indicated. It is of the opinion, after careful and thorough investigation, that the sum total of the remittances sent to Poland from this country will result in inappreciable advantage to the enemy and

that its effect upon German exchange will be too inconsiderable to warrant the complete discontinuance of the work in view of the issues involved.

While fully approving, therefore, of the principle involved in the suggestions of the British Government, this Government feels that it is at present not in a position to adopt the actual procedure proposed, and that it must so far as possible work out its own plans based on conditions existing in the United States.

LANSING

File No. 861.48/412a

The Secretary of State to the Minister in the Netherlands (Garrett)

[Telegram]

WASHINGTON, November 14, 1917.

773. You are authorized to draw on the Secretary of State for such amounts as Messrs. Bogen and Senior may request on account of Joint Distribution Committee, not in excess of \$300,000. Authorize Bogen and Senior distribute relief immediately through Netherlands Consul at Warsaw, obtaining receipts and forwarding same at earliest convenience through Department.

LANSING

File No. 811.142/2558

The Chargé in Switzerland (Wilson) to the Secretary of State

[Telegram]

BERNE, November 13, 1917, 10 a. m.

[Received November 14, 3.40 a. m.]

2037. Department's 1091, November 5, 3 p. m. For American Red Cross [from Whitehouse]:

There has been deposited with us satisfactory guarantee that the \$200,000 mentioned will be used exclusively for benefit of children of Polish nationality without distinction of creed and will not release directly or indirectly supplies or money to advantage of Germany.

Please cable urgently formal authorization to draw first \$100,000, at the same time authorizing drawing second \$100,000 on December 1.

Guarantee given by Prince Sapieha and Mr. Janasz, holder of power of attorney of Committee of which Kakowsky and Lubomirski are members. Sapieha also member. Details by mail. Whitehouse.

WILSON

File No. 811.142/2558

The Acting Secretary of State to the Chargé in Switzerland (Wilson)

[Telegram]

WASHINGTON, November 19, 1917, 5 p. m.

1136. Your 2037, November 13, 10 a. m. American National Red Cross has paid to the Department \$100,000 for which, less exchange, you are authorized to draw immediately. Upon receiving proceeds you should obtain in writing the following guarantees specified in the license issued to the Red Cross by the War Trade Board—

that the funds are to be used exclusively for the purchase of food for children of Allied subjects in urban centers of Poland now occupied by the enemy, and that the Warsaw Polish Relief Committee shall ascertain to the best of its ability that the funds will not be used directly or indirectly to the advantage of the enemy, and that no individual remittances shall be paid from such funds to any individual, minor or adult, and that the Committee shall submit to the American National Red Cross a detailed report showing the distribution of such funds.

Upon receiving these guarantees in writing you are authorized to pay the proceeds of your draft to the authorized representatives of the Warsaw Polish Relief Committee, accompanying same by written statement as to purpose and conditions and taking written receipt acknowledging receipt from American National Red Cross. Report by cable amount of proceeds of draft and action taken. If practicable, secure assurance of Warsaw Committee that fact of contribution and of like contribution provisionally promised for December is given publicity in Poland and that it shall be thoroughly understood by Poland that contribution is made by American National Red Cross. Department regards it as important from point of view of American interests that measures be taken to assure to the United States the benefit of Polish appreciation of our desire to help her. You may assure Warsaw Committee that unless conditions change in such manner that we cannot then consider sending money into Poland, American National Red Cross will supply \$100,000 additional promptly on December 1, upon like conditions.

POLK

File No. 763.72114/3100

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, December 14, 1917, 2 p. m.

[Received 7.06 p. m.]

7965. Your 5963, December 5, 8 p. m.¹ Government here asks information about the present position of the United States in regard

¹ Not printed.

to issue of licenses for remittances to enemy and enemy-occupied territory and would like to know what remittances have been authorized. They feel they should exercise vigilance but do not wish to place any hindrance in the way of passage of remittances which United States has licensed and may wish to go forward.

PAGE

File No. 763.72114/3100

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, December 19, 1917.

6066. Your 7965, December 14.

1. As regards enemy territory, money may be remitted only to American citizens in good standing to enable them to depart therefrom or for their support when the Department is satisfied that they are prevented from leaving through circumstances over which they have no control.

2. As regards enemy-occupied territory, this Government has been permitting relief funds in limited amounts to be sent to Poland and to the subject races in Turkey, but in the light of various communications received from the British Government, this Government is now reconsidering the question as to the total monthly sums to be allowed and expects to formulate a definite policy shortly.

LANSING

File No. 763.72114/3135

The Secretary of State to the Ambassador in Great Britain (Page)

No. 5630

WASHINGTON, January 5, 1918.

SIR: The Department acknowledges the receipt of your despatch No. 7776, of December 14, 1917, transmitting a copy of a letter dated December 13, 1917, received from Mr. Kidston of the British Foreign Office, regarding remittances to enemy and enemy-occupied territory.¹

You may inform the Foreign Office in reply that the licenses issued by the War Trade Board authorizing such remittances specify that all communications having to do with the transactions so authorized must first pass through the hands of the War Trade Board and are then forwarded by the Department through diplomatic channels. Under these circumstances this Government will be glad

¹ Not printed; telegram No. 7965, Dec. 14, 1917, from the Ambassador, *supra*, was based upon the despatch.

to have the British Government hold up any communications of this nature which are not forwarded through diplomatic channels.

I am [etc.]

For the Secretary of State:

WILLIAM PHILLIPS

File No. 763.72114/3294

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, *February 14, 1918, 11 p. m.*

[*Received February 14, 11 p. m.*]

8672. Referring your mail instructions No. 5630, January 5, 1918, regarding remittances to enemy and enemy-occupied territory. The Foreign Office, in order to coordinate as far as possible the procedure adopted by the two countries, desires to know in fullest detail the principles by which the War Trade Board intend to be guided in authorizing the transmission of funds to enemy and enemy-occupied territory or to territory in the possession or occupation of an ally of an enemy of the United States.

The Foreign Office would appreciate being furnished from time to time, for the guidance of British licensing and censorship authorities, with complete lists of amounts sent, persons to whom they are payable, and the channels through which they are to be distributed. The Foreign Office presumes that the decision that correspondence covering these remittances will from now on be transmitted through diplomatic channels, means that the documents will be forwarded to representatives of our Government abroad and not handed for transmission to representatives of neutral countries charged with enemy interests in America.¹

PAGE

File No. 860c.48/12

The Secretary of State to President Wilson

WASHINGTON, *March 15, 1918.*

MY DEAR MR. PRESIDENT: In November you authorized the continuance of monetary relief to the destitute in occupied Poland and

¹ Note on file copy of this telegram states: "Not to be answered. W[illiam] P[hillips]."

also to the subject races in Turkey, but the question of the amount of the relief funds to be transmitted has never definitely been fixed, either by the War Trade Board or by the Department of State.

I enclose a brief report for the period from November, 1917, to March, 1918, inclusive, which illustrates the amounts which the War Trade Board has licensed to forward to both Poland and Turkey. The February and March remittances have, however, not all been transmitted as yet. It is deemed desirable to set a limit, if possible, on the monthly remittances. At the present rate at which we are asked to transmit money to Poland, the annual total would not be less than \$8,500,000, taking \$700,000 as the monthly average. For Turkey, not under British occupation, the annual remittances would total between four and five millions.

It seems to me that these amounts are altogether too high and that we should limit the funds for Poland not to exceed \$300,000 per month—\$200,000 to be for general relief and \$100,000 for individual remittances. An appropriate figure for Armenian and Syrian relief might be placed at \$150,000 per month, most of which is for general relief.

The Polish Relief Committee, the Joint Distribution Committee, and the other organizations will naturally criticize the limiting of these relief funds as these charitable organizations are deeply interested in getting as much relief as possible to the destitute in those countries, and they have very large resources in the United States upon which to draw for this purpose. I believe, however, it is the duty of the Government, in view of recent military developments in Russia and Turkey, to restrict the amounts sent to those countries for relief purposes.

I should be grateful for an expression of your views on this question, and, if you approve of the limiting of the remittances, whether you think it advisable to make the limit retroactive so as to include certain of the sums totalling about \$1,500,000, which have not yet actually gone forward but for which licenses have been granted by the War Trade Board.

In this connection it should be pointed out that, to supplement this monetary relief, it is proposed to permit second-hand clothing to be purchased in neutral European countries and shipped to Poland for the relief of the destitute.

I am [etc.]

ROBERT LANSING

[Enclosure]

Report for November, 1917, to March, 1918, inclusive, of Remittances Authorized by the War Trade Board for Relief in Certain Territories Occupied by the Enemy

RUSSIA UNDER GERMAN AND AUSTRIAN OCCUPATION

November	\$697,262.83	of which	\$574,739.96	general relief
			122,522.87	individual relief
December	390,000.00	of which	390,000.00	general relief
			None	individual relief
January	691,529.04	of which	558,085.37	general relief
			133,443.67	individual relief
February	718,584.05 ¹	of which	610,000.00	general relief
			104,584.05	individual relief
March	685,655.00	of which	500,000.00	general relief
			185,655.00	individual relief
			<hr/>	
			\$3,183,030.92	

TURKEY NOT UNDER BRITISH OCCUPATION

November	\$510,000.00	of which	\$510,000.00	general relief
			None	individual relief
December	None		None	
January	159,056.95	of which	130,266.60	general relief
			28,790.35	individual relief
February	59,002.85	of which	50,000.00	general relief
			9,002.85	individual relief
March	687,484.75 ²	of which	650,000.00	general relief
			28,484.75	individual relief
			<hr/>	
			\$1,415,544.55	
			<hr/>	
			3,183,030.92	

Total: \$4,598,575.47

File No. 860c.48/12

President Wilson to the Secretary of State

WASHINGTON, *March 16, 1918.*

MY DEAR MR. SECRETARY: It is a most distressing decision to be forced to, but I fear I must concur in your judgment that these amounts must be limited, and I have no doubt that you are in a much better position than I to say to what figures they should be restricted. I think, however, that it would not be wise or just to make the restriction retroactive.

Faithfully yours,

W[OODROW] W[ILSON]

¹ This appears to be in error, as the figures opposite total \$714,584.05.

² This appears to be in error, as the figures opposite total \$678,484.75.

File No. 860c.48/12a

The Assistant to the Third Assistant Secretary of State (Ruddock) to John B. Denvir, jr., of the Bureau of Enemy Trade, War Trade Board

WASHINGTON, *March 18, 1918.*

DEAR MR. DENVIR: Confirming our telephone conversation of this morning, I beg to state that the President has authorized the transmission of the following relief remittances:

POLAND, AND TURKEY NOT UNDER BRITISH OCCUPATION

Poland	\$300,000	per month, of which	\$200,000	general relief
			100,000	individual
Turkey	\$150,000	per month		
	which may be properly divided into		\$100,000	general relief
			50,000	individual

It is suggested that these amounts be divided by you *pro rata* among the various bodies concerned.

I should be happy to receive from you, if convenient, a statement of the proposed allotments.

Very sincerely yours,

A. B. RUDDOCK

File No. 860c.48/30a

The Secretary of State to the Minister in the Netherlands (Garrett)

[Telegram]

WASHINGTON, *March 21, 1918, 3 p. m.*

1043. Repeat Berne, Copenhagen, Stockholm. For your information. After April 1 amount of relief remittances permitted by this Government to go to Poland monthly for relief all nationalities will not exceed \$300,000 of which \$200,000 general relief, and \$100,000 individual remittances. To supplement this, Department is contemplating permitting relief societies to purchase second-hand clothing or inexpensive new clothing in countries adjacent to Germany for shipment to and distribution in Poland. Please ascertain and report by cable if local representatives of relief societies can obtain adequate written guarantees from German authorities that such shipments to Poland will be permitted and will not be seized and that distribution in Poland by neutral agents of relief societies will be carried out unmolested by German authorities, civil or military; also that German authorities will not seize in Poland a stock of clothing to offset such quantities as may be forwarded to Poland by American relief societies. Report in detail terms of guarantees of German authorities.

LANSING

File No. 861.48/588a

*The Secretary of State to the Ambassador in Russia (Francis)*¹

[Telegram]

WASHINGTON, *May 13, 1918, 3 p. m.*

121. The Department is faced with the urgent problem of determining whether the relief remittances now allowed to go from the United States into Poland at the rate of \$300,000 a month shall be extended to Lithuania and all the other portions of Russia occupied by the enemy. The Department feels that the matter must be judged from the political no less than from the humanitarian point of view. The question therefore arises whether American relief money paid to the inhabitants of the occupied Russian provinces other than Poland would have the effect of rendering the people more friendly to the Allied cause or whether the withholding of this relief would work a similar effect by rendering the people hostile to Germany by the destitution caused them through the German régime. From your knowledge of the situation the Department will be glad to have an expression of your views to consider in determining its future policy.

LANSING

File No. 861.48/591

The Chargé in Denmark (Grant-Smith) to the Secretary of State

[Telegram]

COPENHAGEN, *May 15, 1918, 7 p. m.*

[Received 11.16 p. m.]

2280. Your 856, May 3, 3 p. m.² I consider the sending of relief remittances to Lithuania and the other portions of Russia under German occupation as contrary to the interests of the Allied cause and the benefits accruing from the Polish relief to be greatly exaggerated. Every dollar relieves, by just so much, Germany's task of maintaining quiet in those regions which she hopes to render productive as soon as possible and leaves her freer to pursue her designs throughout the other portions of Russia where she is busied in acquiring a preponderant influence both politically and financially, which it will eventually be found most difficult to combat. Nothing should be left undone to interfere with the realization of these plans. Furthermore, the Germans can be counted on to cause any amelioration of the condition of the people succored to be attributed to the beneficence of their administration.

¹The same, on the same date, to the Chargé in Denmark (No. 856) and to the Minister in Sweden (No. 767).

²See the preceding footnote.

I am strongly of the opinion that Germany's enemies have but slight appreciation of the degree to which their humanitarian sentiments have been deliberately exploited to her lasting advantage since the very outbreak of the war.

GRANT-SMITH

File No. 861.48/589

The Minister in Sweden (Morris) to the Secretary of State

[Telegram]

STOCKHOLM, May 15, 1918, 5 p. m.

[Received May 16, 2.50 a. m.]

2092. Your circular telegram 767, May 13.¹ I am inclined to think that any relief money sent into portions of Russia now occupied by the enemy will not bring any beneficial results to the Allied cause, but on the contrary the non-sending of same would tend to increase the already existing ill-feeling against Germany, the population then basing non-receipt of relief as due to the German occupation.

MORRIS

File No. 860c.48/51

The Minister in Switzerland (Stovall) to the Secretary of State

[Telegram]

BERNE, May 16, 1918, 2 p. m.

[Received May 17, 9.35 p. m.]

3392. For Hoover [from Dresel]:

Department's 1091, November 5, 1917,² Legation's 2510 and 2511, January 26,³ from Dresel and Hoover [*De Horodyski*] respectively. Fresh appeals have been received from prominent Poles here and in view of great value at the present time of friendship of Poland I venture again call attention to possibility of further assistance to Central Committee of Warsaw. I feel still that money remittances begun in November and December could be well continued, but if this deemed impossible I hope that shipments of condensed milk or evaporated milk for use of babies and little children in Poland, as outlined Department's 1091 and Legation's 2511, may be yet arranged considering terrible situation of infants in Poland which undoubtedly exists. The cooperation of the Swiss authorities here is assured, though Swiss milk would not be allowed to leave the country. Such consignments would have inspiring effect as propaganda. I fully

¹ See footnote 1, *supra*.

² *Ante*, p. 519.

³ Not printed.

realize the difficulties of transport and other arrangements, of acquiring guarantees, and of obtaining consent of Allied Governments, but need is so much that I believe no stone should be left unturned to accomplish desired results. Dresel.

STOVALL

File No. 860c.48/68b

The Secretary of State to the War Trade Board

WASHINGTON, May 21, 1918.

GENTLEMEN: The Department begs to inform you that it is of the opinion that relief remittances should not go forward to any portions of Russia under German–Austro–Hungarian occupation outside of Poland.

The geographical limitations of Poland as accepted by the Department in this particular connection are as follows: the course of the River Bug to a point between the towns of Grodek and Nur on that river; thence in a general northerly direction to the River Narev, excluding Bielostok; westwards along the Narev to Vizna (near Łomza), then north and east again along the Rivers Biebrz and Bobr to the River Niemen,¹ near to but excluding Grodno; thence following the course of the Niemen to the point where it enters East Prussia, excluding Kovno.

From the foregoing, it will be seen that the governments of Grodno, Vilna and Kovno are excluded from the boundaries of Poland as defined above.

It is kindly requested that you will notify the banks and interested relief organizations that remittances for points other than those in Poland as above defined will not be accepted for forwarding after June 1, 1918.

I am [etc.]

For the Secretary of State:

ALVEY A. ADEE
Second Assistant Secretary

File No. 860c.48/60

The British Embassy to the Department of State

No. 547

MEMORANDUM

The British Embassy present their compliments to the Department of State and have the honour to refer to the Embassy's memoranda

¹ Should read: "then north and east again along the River Biebrza or Bobr to the River Niemen."

No. 658 of December 28, 1917,¹ and No. 18 of January 4, 1918,¹ on the subject of financial assistance for the relief of Polish refugees in Russia. Information has now been received from the Foreign Office to the effect that great distress now prevails among the refugees, and that the refugee organization which is now in existence will soon be compelled to cease its operations unless it is possible for it to receive financial assistance from the Allies. His Majesty's Government are therefore anxious to learn whether the United States Government now consider that it would be possible for them to join in opening a credit for the relief of these refugees in Russia.

WASHINGTON, *May 21, 1918.*

[*Received May 23.*]

File No. 860c.48/59

The Secretary of State to the Joint Distribution Committee

WASHINGTON, *June 3, 1918.*

GENTLEMEN: The Department regrets to inform you that it has received unfavorable replies from the American Legations at The Hague, Berne, Copenhagen and Stockholm, regarding the forwarding from those countries to Poland, of clothing purchased in Holland, Switzerland, Denmark and Sweden, respectively.² In view of the scarcity of clothing in those countries, there appears to be no immediate possibility of obtaining the permission of the local authorities for the exportation of wearing apparel to Poland.

Your check for \$15,000 is therefore returned herewith.

I am [etc.]

For the Secretary of State:

WILLIAM PHILLIPS

Assistant Secretary

File No. 860c.48/84f

*The Acting Secretary of State to the Minister in the Netherlands
(Garrett)*

[Telegram]

WASHINGTON, *June 5, 1918, 3 p. m.*

1393. Inform authorities and Relief Committee all receipt forms for relief moneys must bear indications that such moneys come from United States.

POLK

¹ Not printed.

² See Department's telegram of Mar. 21, *ante*, p. 529.

File No. 861.48/597

The Ambassador in Russia (Francis) to the Secretary of State

[Telegram]

VOLOGDA, June 2, 1918, 6 p. m.

[Received June 16, 6.38 a. m.]

237. Answering your [May] 13, unnumbered [No. 121], which was referred to American Consul, Petrograd, and Red Cross; both replies confirm my impression, which is that further Lithuanian relief from America inadvisable because if not appropriated by Germans would relieve Germany from responsibility. Therefore, I advise all remittances be prohibited unless satisfactory proof given that same available solely for sufferers, who, furthermore, should not pay remittances to German agents.

Colton¹ here reports his secretaries are aiding exchange of Russian prisoners; that half of those exchanged are tuberculous subjects, and all are deprived of overcoats and everything except most scanty clothing before crossing line. Such exchanged prisoners are energetic anti-German propagandists and are decidedly anti-Bolshevik, asserting that if Bolsheviks had not gained control and prevented Russia from performing her part war would be now ended.

FRANCIS

File No. 860c.48/62

The Secretary of State to the Minister in Switzerland (Stovall)

[Telegram]

WASHINGTON, July 12, 1918.

2278. For Dresel from Hoover:

United States Food Administration is glad to be able to place condensed milk in large amounts at your disposal for children in Poland subject to control of consumption by denominated classes and to confirmation by Associated Governments. We assume that you have perfected financial arrangements; or is it your intention to have these secured through Polish representatives here? A. E. Taylor.

LANSING

File No. 861.48/631

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, August 30, 1918, 5 p. m.

[Received 7 p. m.]

1490. The Foreign Office inform me that Count Sobanski, representative in England of Polish National Committee, has requested

¹ Ethan T. Colton, Chief of the Y.M.C.A. Mission to Russia.

facilities for the monthly shipment of 6,000 boxes condensed milk to Poland which has been authorized, he says, by the American Government through Hoover's intervention. It is proposed that this milk be exported from the United States via Switzerland to Warsaw for distribution to Polish children under control of Swiss Red Cross Association. In supporting this, Count Sobanski refers to the customary condensed milk consignment which he states was sent last winter by the American Red Cross to Warsaw and distributed there by Polish Central Relief Committee. British Government still maintain attitude expressed in their two notes, the first of which is summarized in my telegram No. 7587, November 2, 5 p. m.,¹ and copy of the second was transmitted in my despatch No. 7746 of December 10, 1917.¹ While disapproving of such relief they wish, before replying to Count Sobanski's foregoing proposal, to learn the views of the United States Government regarding it.

PAGE

File No. 860c.48/51

The Secretary of State to the Minister in Switzerland (Stovall)

[Telegram]

WASHINGTON, *September 20, 1918, 6 p. m.*

2758. Your 3392, May 16, 2 p. m. Ascertain and report whether (1) Swiss Government would, with the consent of the German Government, send one or more Swiss officials into Poland to supervise the distribution and effective control by the local Polish committees of a shipment of condensed or evaporated milk from the United States for the Polish babies and small children in Warsaw and other large urban communities in Poland; (2) whether Swiss Government believes it could obtain from German Government effective guarantees that this shipment would not be interfered with or requisitioned either in whole or in part by the German authorities; and (3) whether Swiss Government can suggest any arrangement whereby the destruction of the containers after use by the Polish recipients can be assured to prevent utilization of the tin therein.

The proposal of this Government to send this milk into Poland is contingent, first, upon satisfactory replies from the Swiss and German Governments, and, second, upon the possibility of making

¹ Not printed; see British Ambassador's memorandum No. 453, Nov. 2, 1917, *ante*, p. 517.

satisfactory arrangements with the Shipping Board for its transportation to a Mediterranean port.

You may advise the Polish Committee in Vevey of the steps taken.

LANSING

File No. 860c.48/141

The Minister in Switzerland (Stovall) to the Secretary of State

[Telegram]

BERNE, October 4, 1918, noon.

[Received October 5, 11.33 p. m.]

5036. Department's 2758, September 20, 6 p. m. Swiss Government shows great interest and desires to cooperate and has asked German Government for all guarantees outlined. Difficulty is, however, foreseen as to destruction of tin containers. Please inform me whether it is not practicable to ship the milk in paper containers such as I understand are prescribed by New Jersey law.

STOVALL

File No. 860c.48/60

The Department of State to the British Embassy

MEMORANDUM

The Department of State presents its compliments to the British Embassy and has the honor to acknowledge receipt of its memorandum dated May 21 last, with reference to certain information received from the British Foreign Office to the effect that great distress prevails among the Polish refugees in Russia and that the refugee organization then in existence would soon be compelled to cease its operations unless it were possible to receive financial assistance from the Allies.

In reply to the inquiry of the British Government as to whether the United States Government considers that it would be possible for it to join in opening a credit for the relief of these refugees in Russia, the Department of State desires to say that the Government of the United States concurs in the opinion that an Allied credit should be opened for the relief of these refugees but deems the undertaking inadvisable at present because of the lack of effective responsible organizations for the distribution of relief funds. When, however, governmental and military conditions become such as to permit of the establishment of an effective organization to carry out the matter in accordance with the aims of the Allies, the Department of State will again address the British Embassy on the subject.

WASHINGTON, October 10, 1918.

File No. 860c.48/146

The Secretary of State to the Minister in Switzerland (Stovall)

[Telegram]

WASHINGTON, *October 22, 1918, 7 p. m.*

3181. Your 5036. Red Cross advises that milk could be forwarded in powdered form in paper-lined wooden cases.

LANSING

File No. 860c.48/153

The British Chargé (Barclay) to the Secretary of State

No. 1207

WASHINGTON, *October 31, 1918.*

[Received November 1.]

SIR: I have the honour to inform you, by direction of my Government, that a request has been made for facilities for the monthly despatch of one carload (approximately 20 tons) of condensed milk to Poland. It is proposed to send the milk, which would be provided as a gift from the American Red Cross, from Switzerland to Warsaw for distribution among the children of that city and Lodz.

His Majesty's Government are unable to regard this proposal favourably, since they consider that, so long as Poland is occupied by the enemy and its resources are utilized by them, the enemy would receive direct or indirect benefit by being relieved of a portion of their obligations towards the population of that country.

Also, in view of the fact that it would be necessary for any supplies sent to pass through enemy territory, and that it would be useless to attempt to obtain any satisfactory guarantees from the enemy that such supplies would not be requisitioned or diverted, His Majesty's Government think it most improbable that the milk would reach the persons for whom it was intended.

I am directed to enquire whether the United States Government are in agreement with the attitude of His Majesty's Government towards this proposal.

His Majesty's Government are also enquiring the views of the French and Italian Governments on the subject.

I have [etc.]

COLVILLE BARCLAY

File No. 860c.48/153

The Secretary of State to the British Chargé (Barclay)

No. 313

WASHINGTON, *November 14, 1918.*

SIR: I have the honor to refer to your note of October 31, 1918, No. 1207, regarding the forwarding, as the gift of the American Red Cross, of certain condensed milk to Poland and have taken note of the objections which your Government entertains to such pro-

cedure. In view, however, of the capitulation of Germany, I assume that the objections of your Government are now withdrawn. In this connection I beg to add that the furnishing of milk from the United States for the children of Poland will now be dealt with under the supervision of Mr. Hoover, in his capacity of Special Representative of the President to confer personally as to means for furnishing food and other supplies to the peoples who have been freed from the control of the enemy.

Accept [etc.]

ROBERT LANSING

RELIEF IN TURKISH TERRITORIES

File No. 867.48/517

The Ambassador in Turkey (Elkus) to the Secretary of State

[Telegram]

CONSTANTINOPLE, *January 8, 1917, noon.*

[*Received January 10, 8 a. m.*]

2387. Djemal Pasha¹ requests that three-fourths of *Caesar's* supplies be landed at Beirut for distribution to Palestine poor and one-fourth at Jaffa.² Does Department approve?

ELKUS

File No. 867.48/521

The Secretary of State to the Ambassador in Turkey (Elkus)

[Telegram]

WASHINGTON, *January 18, 1917, 5 p. m.*

3280. Your 2387, January 8. Red Cross and Committee for Syrian Relief state that Djemal Pasha's request would largely divert relief supplies from original purposes for which funds were solicited. If possible have all supplies landed and distributed at Beirut. Only if absolutely necessary concession may be made to have one-fourth landed at Jaffa, on condition that Philip³ and Red Cross representatives from Beirut proceed to Jaffa and supervise distribution there.

LANSING

File No. 867.48/542

The Secretary of State to the Ambassador in Turkey (Elkus)

[Telegram]

WASHINGTON, *February 15, 1917, 4 p. m.*

3352. Your 2457.⁴ Prior to severing diplomatic relations with Germany, Department had desired consent of Turkish Government

¹ Turkish Minister of Marine.

² See Department's circular telegram of Dec. 19, 1916, *Foreign Relations*, 1916, Supplement, p. 940.

³ Hoffman Philip, Counselor of the Embassy at Constantinople.

⁴ Not printed.

for *Caesar* to enter Mersine. Both *Des Moines* and *Caesar*, however, have been ordered to remain Alexandria until further notice.

LANSING

File No. 867.48/549

The Ambassador in Turkey (Elkus) to the Secretary of State

[Telegram]

CONSTANTINOPLE, February 12, 1917, 9 a. m.

[Received February 17, 12.30 a. m.]

2480. Have received a telegram from Djemal Pasha stating that he is satisfied that all of *Caesar's* cargo be unloaded at Beirut for distribution as heretofore agreed; that *Caesar* may take passengers for Europe and that such passengers will only be detained in Beirut to comply with necessary formalities for one or two days. Djemal also requests that a second shipload be sent to Jaffa as the population of Jaffa and Jerusalem are in great need and that further supplies be sent to Beirut, all of which will be distributed in the same manner as *Caesar* cargo. Djemal agrees that *Des Moines* go to Jaffa to take wines and books as agreed and probably go to Beirut for passengers. Will have matter of *Des Moines* going to Beirut definitely settled again. All telegrams from interior much delayed owing to weather.

Have received telephone messages from War Office that German and Austrian submarines will in no way interfere with *Des Moines* and *Caesar*. Have asked Foreign Office to confirm this in writing and if Department approves will insist same should be obtained by Turkish Minister for Foreign Affairs from Germany and Austria unless Department desires to obtain it through Austrian Embassy or mission in charge of German interests in America. Great need of food in Syria and Lebanon and if Department agrees that it is safe, I respectfully urge sending *Caesar* and also taking away Americans desiring to leave on *Des Moines* and *Caesar*.

Please read my telegram January 29 [25]¹ to Warburg and urge immediate answer. Many Americans who have received permission to leave cannot do so because they have no [funds] to defray passage from Spain or Italy to America, but claim that people in America will furnish them with same as soon as they arrive, therefore want to borrow money for 60 or 90 days promising to repay same upon arrival in the United States. I requested Warburg to lend \$50,000 for this reason and suggested that lending this money will avoid supporting these people.

ELKUS

¹ Not printed.

File No. 867.48/549

The Secretary of State to the Ambassador in Turkey (Elkus)

[Telegram]

WASHINGTON, February 20, 1917, 5 p. m.

3363. Your 2480, February 12, 9 a. m. Upon notice from you that the Turkish Government has received and delivered to you written guarantees from German and Austrian Embassies that submarines of these countries will not interfere with *Des Moines* and *Caesar*, Department will instruct these ships to proceed to Jaffa and Beirut in accordance with terms of agreement with Turkish Government. Has Turkish Government authorized *Des Moines* to go to Mersine? Department has not yet received answer from Warburg. Paraphrase of your 2480 sent him.

LANSING

File No. 867.48/556

The Ambassador in Turkey (Elkus) to the Secretary of State

[Telegram]

CONSTANTINOPLE, February 23, 1917, 9 p. m.

[Received February 26, 8.20 p. m.]

2513. Your 3363, February 20, 5 p. m., received yesterday and contents immediately communicated orally to Turkish Foreign Minister. Note from Foreign Office dated February 22, written before above communication, stated that according to the Turkish War Office Imperial authorities did not dispose of [*have at their disposal*] means to pilot *Caesar* and *Des Moines* on entering and leaving the ports at which they call, but should these vessels arrive during the day the local authorities would take the necessary steps. Said War Office further stated that German Admiralty had informed it that said Admiralty had instructed the submarines to allow the *Caesar* and *Des Moines* to pass, but seeing that errors in the blockaded zone are not impossible their safety could not be guaranteed. On the 21st instant Minister had told me Germans could not guarantee against danger from floating mines but note of the 22d instant mentions nothing concerning latter. Am sending the Sublime Porte note embodying your 3363, urging immediate reply, and will telegraph same as soon as received. Has Department any further instructions?

ELKUS

File No. 867.48/556

The Secretary of State to the Ambassador in Turkey (Elkus)

[Telegram]

WASHINGTON, February 27, 1917, 4 p. m.

3379. Your 2513, February 23, leaves Department greatly in doubt as to situation. Important that matter be settled definitely, once and for all, immediately. *Des Moines* and *Caesar* cannot be sent to Beirut unless Turkish Government furnishes positive guarantee, both from itself and from German and Austrian Embassies, as to the safety of these ships.

LANSING

File No. 867.48/619

The Spanish Ambassador (Riaño) to the Assistant Secretary of State (Phillips)

WASHINGTON, March 27, 1917.

[Received March 28.]

MY DEAR MR. SECRETARY: Referring to our informal conversation upon the subject of the relief of Christians in Syria, I beg to inform you confidentially that, according to advice received from Madrid on March 11 ultimo, His Majesty the King of Spain had been asked by His Holiness the Pope to cooperate in the work of relief of Christian prisoners in Palestine, and especially of those at Mount Lebanon and Jerusalem, of which more than a hundred thousand have perished from hunger.

In spite of the great difficulties of this undertaking, His Majesty the King and His Government have decided in principle to give it their earnest support, on the condition however, that the committee formed in the United States for the relief of these Christians shall give its moral and material support to the enterprise.

I was therefore instructed to get in touch with this committee and to ask if it was prepared to give the moral and material support in question; and, acting upon my instructions, I suggested that money and foodstuffs might be sent from the United States to a Spanish port, and thence transhipped to a Spanish bottom which would take them to Asia Minor.

Up to the present time I have not succeeded in obtaining a categorical reply to my question, either from the Joint Distribution Committee of 52 William Street, New York, or from the American Committee for Armenian and Syrian Relief, of 1 Madison Avenue, New York, with both of which I have corresponded; and as I

understand that a great part of the relief work which was previously carried on by these Committees has been taken over by the American Government, I am taking the liberty of addressing to you the question which I put to them, with the request that you inform me of your views in regard to the proposition which I made on behalf of my Government.

Believe me [etc.]

JUAN RIAÑO

File No. 367.11/1972c

The Secretary of State to the Spanish Ambassador (Riaño)

WASHINGTON, March 23, 1917.

MY DEAR MR. AMBASSADOR: In acknowledging the receipt of your note of March 27, referring to the offer of His Majesty the King of Spain, made through you to the Joint Distribution Committee and to the American Committee for Armenian and Syrian Relief, to cooperate with them in their work for the destitute inhabitants of Syria and Palestine, and particularly suggesting that money and foodstuffs might be sent from the United States to a Spanish port and thence transshipped to a Spanish bottom which would take them to Asia Minor, I desire to express the cordial appreciation of the Department for this offer by His Majesty the King, and to inquire whether in the circumstances it might be possible, if the relief supplies were thus sent by Spanish ships to Syria and Palestine, for these ships, after the food and medicine had been distributed, to convey American citizens from Syria to a Spanish port. According to the information possessed by the Department, there are about 1,500 American citizens in Syria and Palestine, of which number approximately 100 are American missionaries.

I am [etc.]

ROBERT LANSING

File No. 867.48/576

The Ambassador in Turkey (Elkus) to the Secretary of State

[Telegram]

CONSTANTINOPLE, March 23, 1917, 9 p. m.

[Received March 29, 7 a. m.]

2563. Your 2557, March 18, 10 a. m.¹ Yesterday called at Foreign Office and urged Turkish Government to insist on a reply from Germans and Austrians. I was informed German reply had just arrived. It was communicated by note to-day. It states that Turkish War Office agrees in principle to the *Des Moines* calling at Jaffa to land medical supplies and take on board Deinard books,

¹ Not printed; see Department's telegram No. 3379, Feb. 27, *ante*, p. 541.

ritual wines, to call at Beirut and later at Mersine to land provisions and clothing for British prisoners of war.

Caesar to go to Beirut, land provisions which will be delivered to American Consul to be distributed by representatives of Red Cross and Red Crescent to the indigent in Syria and the Lebanon.

These two ships will then take on board American citizens and proceed to a European port.

Turkish note further states that German high naval command has declared that it is ready, in the following conditions, and so long as the present situation between the United States and Germany does not transform itself into a state of war:

(1) To transmit instructions to submarines operating in the eastern Mediterranean to allow *Caesar* and *Des Moines* free passage to Beirut, Jaffa, and Mersine and to return from these ports as far as the entry into the neutral channel.

(2) For this it is stipulated that American Government will agree to have these ships travel on dates, hours, and roads exactly determined; (a) detailed and precise information must be furnished as to date when these ships will arrive Syrian coast; (b) these ships must fly day and night at their mainmast large American national flag which they must have illuminated at night. These ships must follow from entry into the Mediterranean the neutral road left open to Greek navigation situated to the west of 30° 20' east longitude as indicated on sketch enclosed. These ships must follow absolutely said route in order to occasion no incident.

(3) Said German command expects at earliest possible date delivery of an exact itinerary for these ships.

This itinerary must be in the hands of the German Naval General Staff at Berlin fully four weeks before the voyage begins so that it can notify the submarine boats thereof with certitude.

(4) Still German command is not in a position to guarantee these American ships an unimpeded passage across the Aegean Sea or to give guarantees of any nature whatsoever against the risks arising from mine fields, even its own.

(5) German command cannot guarantee against enemy weapons. British and French submarine boats are said to operate in the eastern Mediterranean and enemy naval forces have even laid mine fields before ports on the coast of Asia Minor and Syria.

(6) As to calling at a European port the said German authorities cannot undertake to guarantee their security against own submarine boats or mine fields unless the American ships, after leaving Ottoman harbors, follow road, on dates and hours exactly determined, directly leading into the neutral channel giving access into the Mediterranean, in order to call, without in any way entering waters declared to be war zone, at a European port situated outside said war zone.

Consequently German Naval General Staff at Berlin expects information likewise of itinerary to be followed to the neutral channel as well as dates and hours to be fixed.

The Sublime Porte states nothing as to a reply from Austria. Will draw Porte's attention to this to-morrow and will telegraph reply as soon as received.

In this connection attention is called to my No. 2558, March 18, 10 p. m.;¹ like rumors still prevail but without any confirmation. A further rumor is that the Turkish Cabinet is divided into two factions, one headed by the Grand Vizier, favoring Turkish independent action, and the other headed by Enver² to follow Germany unreservedly.

ELKUS

File No. 867.48/576

The Secretary of State to the Ambassador in Turkey (Elkus)

[Telegram]

WASHINGTON, April 3, 1917, 5 p. m.

3481. Your 2563, March 23. Spanish Government has offered to furnish ship to transport relief supplies from New York and Alexandria to Syria, and also medical supplies to Palestine. Department has accepted offer with thanks and inquired whether this ship will be available to remove Americans from Syria and Palestine.

LANSING

File No. 867.48/608

The Spanish Ambassador (Riaño) to the Assistant Secretary of State (Phillips)

WASHINGTON, May 2, 1917.

[Received May 3.]

MY DEAR MR. SECRETARY: Confirming our conversation over the telephone this afternoon, I beg to inform you that I have received a telegram from the Minister of Foreign Affairs in Madrid, in which he says that in order to organize a service for the relief of Christians in Syria, he would like to know what quantity of foodstuffs the Joint Relief Committee is prepared to send to Spain, as a ship must be selected to transport them from Spain to Asia Minor.

The Minister also instructs me to enquire the amount of foodstuffs and medicines on the *Caesar* in order to arrange that the ship sent with provisions from Spain, after landing them at Beirut, may collect the supplies from the *Caesar* and return with them to Beirut, taking on board there, if possible, for Spain, the American citizens who may be in that district.

¹ Not printed.

² Enver Pasha, Turkish Minister of War.

According to my telegram, Germany accepts in principle that a Spanish relief ship should be sent to Asia Minor, but requires to be notified six weeks in advance, of the date and details of the trip.

Although in view of these conditions this trip will not be able to take place before two months from now, the difficulty in finding a suitable ship to take it is so great, that it is very important to obtain as soon as possible the information which is asked, and I shall esteem it a great favor if you will kindly help me to procure it.

Believe me [etc.]

JUAN RIAÑO

File No. 867.48/608

*The Assistant Secretary of State (Phillips) to the Spanish
Ambassador (Riaño)*

WASHINGTON, May 4, 1917.

MY DEAR MR. AMBASSADOR: I beg to acknowledge the receipt of your note of May 2, stating that you have received a telegram from the Minister of Foreign Affairs in Madrid in which he says that in order to organize a service for the relief of Christians in Syria he would like to know what quantity of foodstuffs the Joint Relief Committee is prepared to send to Spain, as a ship must be selected to transport it from Spain to Asia Minor.

In reply I beg to inform you that the character and quantity of the relief supplies contained on the U.S. collier *Caesar*, according to the statement made to the Department by the American Red Cross, is as follows:

- 5,000 gallons cottonseed oil
- 825,000 lbs. whole wheat
- 1,000 cases condensed milk
- 200,000 lbs. sugar
- 13,640 cu. ft. donated foodstuffs and clothing
- 80,000 lbs. beans
- 980,000 lbs. flour
- 100,000 lbs. crushed wheat
- 300,000 lbs. rice
- 5,000 gallons kerosene oil
- several cases chloroform and ether
- several cases containing food and wearing apparel for the
American colony in Beirut
- 458 cases hospital supplies

The Navy Department has informed the Department that the above-mentioned supplies occupied 81,500 cubic feet in the hold of the U.S. collier *Caesar*, and that a small, unmeasured quantity of supplies was carried on the deck.

In a despatch dated March 21, 1917, Mr. Hoffman Philip, Counselor of the American Embassy at Constantinople, who was detailed to accompany the *Caesar* to supervise the distribution of the relief supplies, reports concerning a slight damage to the cargo during its

voyage from New York to Alexandria. The summary of his report is as follows:

CARGO SUBMITTED TO JETTISON

Cottonseed oil.....	285 cases
Kerosene.....	417 "

CARGO DESTROYED AS UNFIT FOR USE OR SALE

Rice.....	4 bags
Crushed wheat.....	9 "
Flour.....	8 "
Wheat.....	7 "
Miscellaneous:	
Epson salts, farina, etc.....	12 cases

CARGO SOLD

Sugar.....	840 bags
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The American Committee for Armenian and Syrian Relief and the Red Cross understood that the Navy Department was to furnish them with more tonnage on the *Caesar* than was actually the case, with the result that much greater quantities of supplies were purchased than could be transported, and a large quantity of supplies intended for relief in Syria remained in storage in New York. The Department has no information as to the exact quantities of these relief supplies still remaining in New York, but will obtain it for you if the Spanish Government is considering the sending of a ship to New York for the transportation of relief supplies from that place to Syria.

In February, 1916, the U. S. collier *Sterling* transported from this country certain medical supplies intended for the Jewish hospitals at Jerusalem. The Navy Department informs the Department that the report of the commanding officer of the ship to the Navy Department states that there were about 25 tons of medicines and chemicals for Palestine on this ship. The *Sterling* was unable to land these supplies at Jaffa, and instead they were landed at Alexandria, where they have since remained.

I am [etc.]

WILLIAM PHILLIPS

File No. 867.48/611

*The Spanish Ambassador (Riaño) to the Assistant Secretary of State (Phillips)*¹

WASHINGTON, May 5, 1917.

[Received May 11.]

MY DEAR MR. SECRETARY: I beg to acknowledge the receipt of your note of May 4, informing me of the relief supplies which are

¹On May 15 copies of this note were forwarded to the American Committee for Armenian and Syrian Relief and the American Red Cross.

on board the U. S. colliers *Caesar* and *Sterling*, the latter of which have been landed at Alexandria.

I have at once telegraphed this information to my Government.

Respecting the other supplies which you say that the American Committee for Armenian and Syrian Relief and the Red Cross have provided and are in storage in New York, I regret to say that the Spanish Government cannot at present take into consideration sending a ship to collect them in New York, but if these supplies can be sent to Spain, every effort will be made to forward them thence, in a Spanish ship, to Asia Minor.

Believe me [etc.]

JUAN RIAÑO

File No. 867.48/640

*The Secretary of State to the American Committee for Armenian and Syrian Relief*¹

WASHINGTON, August 24, 1917.

GENTLEMEN: With reference to a letter received from Dr. James L. Barton,² under date of August 20,³ you are hereby informed that the Department recognizes your Committee as authorized to transmit relief funds to persons, other than enemy subjects, in Turkey, subject to such conditions and limitations as may be laid down by the Department, and with due regard to such legislation as may now or subsequently be in force. In general it may be said that individual remittances may be transmitted so long as these do not exceed \$125 per person per month, and relief funds in bulk may be forwarded with the understanding that you will report to the Department monthly the amounts so transmitted. It is further understood that these funds shall be transmitted only through the Société de Banque Suisse at Geneva, its correspondent in Constantinople, and the neutral relief agents in Turkey mentioned in Doctor Barton's letter. The Department reserves to itself the right to withdraw this authorization at any time.

It is expected that you will institute a system whereby, in the case of individual remittances, signed receipts will be returned from each individual payee, and whereby duplication of remittances to the same person in one month will be checked and prevented.

¹ Letters authorizing in similar terms the transmission of relief funds to Palestine for distribution through the agency of Mr. Hoofien were sent to the Joint Distribution Committee, Aug. 24, and the Provisional Executive Committee for General Zionist Affairs, Sept. 22. (File Nos. 867.48/638, 649.)

² Chairman of the Committee.

³ Not printed.

You are requested to address a letter to the Secretary of State confirming each of the points herein mentioned.

I am [etc.]

For the Secretary of State:

WILLIAM PHILLIPS

Assistant Secretary

File No. 867.48/644

The Secretary of State to the Consul General at Saloniki (Horton)

[Telegram]

WASHINGTON, September 1, 1917.

For Doctor Ryan [from American Red Cross]:

Red Cross through State Department is arranging to purchase everything serviceable in *Caesar's* cargo at Alexandria and requesting British authorities to forward immediately to Saloniki, consigned to American Red Cross with directions to advise you. American Red Cross.

LANSING

File No. 811.142/2332

The Secretary of State to the Consul at Alexandria (Garrels)

[Telegram]

WASHINGTON, September 5, 1917.

At the request of Red Cross ask British authorities if they can provide quick transportation to Saloniki for cargo discharged from *Caesar*. If transportation can be provided make immediate arrangements to forward all serviceable cargo for relief situation Saloniki.¹

LANSING

File No. 867.48/650

*The Secretary of State to the American Committee for Armenian and Syrian Relief*²

WASHINGTON, October 3, 1917.

GENTLEMEN: With reference to previous correspondence, the Department desires to alter the formula of the authority given you to send money, subject to the observance of certain conditions, to persons other than "enemy subjects" in Turkey, in order to read "to send money, subject to the observance of certain conditions, to the

¹ In a telegram of Sept. 25 the Consul reported: "Entire consignment now loading." (File No. 811.142/2391.)

² The same, on the same date, to the Joint Distribution Committee and the Provisional Executive Committee for General Zionist Affairs.

subject races in the Ottoman Empire." The effect of this alteration is to prevent the forwarding of money to enemy subjects or their allies, a distinction being made between the subject races in Turkey (i.e., Armenians, Syrians, Jews, etc.) and the Turks themselves.

Please also note that the limit of \$125 per month applies not only to individuals, but to the individual's immediate family as well.

I am [etc.]

For the Secretary of State:

WILLIAM PHILLIPS
Assistant Secretary

File No. 012/16396d

*The Secretary of State to the American Committee for Armenian and Syrian Relief*¹

WASHINGTON, October 16, 1917.

GENTLEMEN: With reference to the Department's letter to you of August 24, 1917, authorizing you to send money, subject to the observance of certain conditions and with due regard to the provisions of pending legislation, to certain destinations abroad, the Department now begs leave to inform you that this authorization has automatically become nullified through the provisions of the so-called Trading with the Enemy Act (H.R. 4960).

The Department is taking up with the War Trade Board, in which is vested the authority to grant licenses, the question of licensing your Committee to continue its work along the lines formerly indicated. Until further advised by the Department, however, you should discontinue the transmission of all lists, drafts, transfers or other communications to the destinations specified in the authorization previously accorded.

I am [etc.]

For the Secretary of State:

WILLIAM PHILLIPS
Assistant Secretary

File No. 012/16396d (Suppl.)

*The Secretary of State to the American Committee for Armenian and Syrian Relief*²

WASHINGTON, October 26, 1917.

GENTLEMEN: With reference to its letter of October 16, 1917, the Department informs you that according to advice received from the

¹The same, *mutatis mutandis*, on the same date, to the Joint Distribution Committee and the Provisional Executive Committee for General Zionist Affairs. (File Nos. 012/1639a, 1639e.)

²The same, on the same date, to the Joint Distribution Committee and the Provisional Executive Committee for General Zionist Affairs. (File Nos. 012/16396a Suppl., 16396e Suppl.)

War Trade Board you should apply direct to that Board with a view to obtaining a license to permit you to send drafts, transfers of credit, lists of payees or other communications abroad in connection with the work formerly undertaken by your Committee under this Department's authorization.

I am [etc.]

For the Secretary of State:

WILLIAM PHILLIPS

Assistant Secretary

File No. 867.48/698

The British Ambassador (Spring Rice) to the Assistant Secretary of State (Phillips)

No. 567

WASHINGTON, December 3, 1917.

[Received December 7.]

DEAR MR. PHILLIPS: The Foreign Office have been shown a letter dated August 24 last, which you addressed to the American Committee for the Relief of Armenians and Syrians, 1 Madison Avenue, New York City, and in which you appear to have informed the Committee that the State Department recognised them as authorised to transmit funds in Turkey to persons other than enemy subjects, under the conditions and within the limits which might be fixed by the Department and in conformity with all laws, present and future. In general, it might be said that individual remittances might be made if they did not exceed \$125 per person per month, and that the sending of funds might be grouped together if the Committee would undertake to make a monthly report to the Department of sums thus transmitted. It was further understood that the funds would be transmitted solely through the Société de Banque Suisse à Genève, their correspondent at Constantinople and neutral agents in Turkey mentioned in Dr. James L. Barton's letter to you of August 20.¹ The Department reserved to itself the right of withdrawing this authorization at any moment. You added that you reckoned on the Committee's instituting a system by which, in the case of individual remittances, the receipts of each beneficiary would be furnished, and repeated remittances to the same person in the same month would be prevented.

The Foreign Office point out to us that, as the United States of America are not nominally at war with Turkey, the condition as to non-enemy destination is quite without effect in the case in question. They further point out that, as far as His Majesty's Government are concerned, *all* subjects of the Ottoman Empire, of whatever race or

¹ Not printed.

religion, are enemy subjects, and that funds transmitted to these people will eventually tend to help Turkey to prolong the war.

I send you the above, for your information and consideration, as an expression of opinion made to me by the Foreign Office, in the event of your desiring to reconsider the position.

Believe me [etc.]

CECIL SPRING RICE

File No. 867.48/698

The Assistant Secretary of State (Phillips) to the British Ambassador (Spring Rice)

WASHINGTON, December 18, 1917.

DEAR MR. AMBASSADOR: Replying to your letter No. 567 of December 3, I may say that we have very carefully considered the whole question of permitting the transmission of relief funds to the subject races of the Ottoman Empire and that within certain limits we believe that such remittances should be allowed. The grounds upon which we have based our policy in this respect seem to us to be sound, not only from the humanitarian point of view but from that of expediency as well. We feel that the material benefit to the Turkish Government is insignificant compared to the moral and political advantage to our own cause which must result from helping these starving races within reasonable limits.

In answer to a recent inquiry from London, we are cabling today a statement of the general policy of our Government covering this question of relief and I am glad to enclose, for your information, a paraphrase of our telegram, which will be brought to the attention of the Foreign Office by the Embassy in London.¹

Believe me [etc.]

WILLIAM PHILLIPS

File No. 867.48/703

The British Ambassador (Spring Rice) to the Counselor for the Department of State (Polk)

No. 646

WASHINGTON, December 26, 1917.

[Received December 27.]

MY DEAR MR. COUNSELLOR: I noticed in the newspapers that the Jews of this country with their usual generosity were sending money to be used in the relief of their co-religionists in the Holy Land, and I was, indeed, approached on the matter by one of them.

¹ Paraphrase not printed; telegram to London, No. 6066, Dec. 19, ante, p. 525.

In reply to enquiries which I made at London by telegraph, I have been informed that it is proposed to send the eminent Doctor Wise [*Weizmann*] at the head of a small committee to organize relief measures, but that in the meantime there does exist a body named the "Special Committee" under the leadership of a Mr. Jack Mossui [*Mosseri?*] which has its offices at the British Headquarters in Cairo, and that this is the best channel through which at the present time assistance can be rendered: the amounts forwarded ought to be limited, it was added, to such sums as are absolutely indispensable for the most pressing necessities.

I should be greatly obliged if you would bring these facts to the knowledge of the parties concerned, and if you would lend me your assistance, so that the desires of the British authorities, who are doing all that is in their power to cope with the situation, may be duly heeded and their work accordingly facilitated.

Believe me [etc.]

CECIL SPRING RICE

File No. 867.48/703

The Secretary of State to the British Ambassador (Spring Rice)

WASHINGTON, January 5, 1918.

MY DEAR MR. AMBASSADOR: I thank you for your letter of December 26, with regard to relief measures in Palestine, occupied by British forces, and have informed the Joint Distribution Committee and the Provisional Committee for General Zionist Affairs, of the contents of your letter.

The Department telegraphed to the American Ambassador in London on December 12,¹ directing him to ascertain from the British Government what total sums of relief money might be sent monthly into Palestine, but has as yet received no reply thereto. The Department has, however, noted the statement in your letter that the amounts forwarded ought to be limited and has conveyed this information to the War Trade Board which is competent to issue licenses for such remittances.

We shall gladly lend you our assistance so that the desires of the British authorities may be duly heeded and the Department will be glad at any time to receive further suggestions as to the desires of the British Government in this connection.

I am [etc.]

ROBERT LANSING

¹ Telegram not printed.

File No. 861.48/580

The Acting Secretary of State to the Chairman of the War Trade Board (McCormick)

WASHINGTON, January 26, 1918.

SIR: The Department acknowledges the receipt of your letter of January 18, 1918,¹ addressed to Mr. Grew, requesting an expression of opinion as to the policy of the Department in certain matters relating to foreign relief, and begs leave to reply as follows:

1. CONSTANTINOPIE

(a) *General relief.* Approved in principle if sent by the American Committee for Armenian and Syrian Relief through its agents in the Ottoman Empire to the subject races of Turkey. Should other organizations desire to undertake this class of relief, the Department, before concurring, would prefer to receive definite information as to the channels and agencies of distribution to be employed. Remittances to be devoted specifically to the support of soup kitchens in Constantinople, however, are approved.

(b) *Individual remittances.* Approved in principle if for members of the subject races in Turkey and if lists of the names and addresses of the payees as well as the names and addresses of the senders are submitted to the Department for examination before the issuance of licenses. The Department considers that no individual remittance should exceed \$125, and that not more than that amount should be sent to any one person or family per month.

2. ROUMANIA

(a) *General relief.*

(b) *Individual remittances.* Approved if destined for those parts of Roumania not occupied by the enemy. For the occupied portion of the country, the Department, before concurring, would prefer to receive definite information as to the channels and agencies of distribution to be employed, and, in the case of individual remittances, to receive lists of the names and addresses of the payees as well as the names and addresses of the senders, in order that the Roumanian Minister in Washington might be consulted.

3. ASIA MINOR

(a) *General relief.* Same answer as 1(a).

(b) *Individual remittances.* Same answer as 1(b).

4. SYRIA AND PALESTINE NOT OCCUPIED BY BRITISH FORCES

(a) *General relief.* Same answer as 1(a).

(b) *Individual remittances.* Same answer as 1(b).

5. BULGARIA

The Department desires to reserve an expression of opinion under this heading but would be glad to learn the amount of the remittances for which licenses have been applied.

¹Not printed.

The application of the Board of Foreign Missions of the Methodist Episcopal Church for license to transmit \$1,000 monthly to Bulgaria to carry on their mission work in that country has the Department's approval.

I am [etc.]

FRANK L. POLK

File No. 867.48/717

The Minister in Sweden (Morris) to the Secretary of State

[Telegram]

STOCKHOLM, *January 26, 1918.*

[*Received 11.58 p. m.*]

1384. From Constantinople:

Undated [*January 12?*]. Funds which Dodge Relief Commission have sent Constantinople to help Christian population in Turkey lose 75 per cent of value owing to rate of exchange. Importation of gold is only means of remedy. Arrangement has been made with German Embassy by which latter agrees to receive gold in neutral countries and despatch it to Constantinople. In view of philanthropic nature of this work American Relief Committee, Constantinople, therefore requests American Government to ask some neutral government, preferably Swedish, which has charge of American interests in Turkey, to authorize purchase and exportation of German, French, or English gold or gold ingots for above-mentioned purpose and instruct American Legation, Stockholm, to receive Dodge funds for transmission in gold through intermediary of Royal Swedish Ministry of Foreign Affairs to German Legation who will forward them to Constantinople. Winter is severe and mortality great and growing. There is no time to lose, thousands of children may be saved. Please consult Elkus and Dodge [, Barton, and Peet?], asking them to telegraph funds to American Legation, Stockholm, as soon as cooperation of Swedish Government has been assured. We are sending by courier who leaves Constantinople January 12 check for \$50,000 payable to American Legation, Stockholm, for first transaction of this nature. Signed, Gates, Huntington, Fowle.

It is presumed that whatever arrangement is made will apply also to funds transmitted through Department. Urgent reply requested.

MORRIS

File No. 867.48/717

The Secretary of State to the Minister in Sweden (Morris)

[Telegram]

WASHINGTON, *January 31, 1918, 3 p. m.*

507. Your 1384, 26th. For Constantinople:

Your telegram signed by Gates, Huntington, and Fowle with regard to shipment of gold to Constantinople in order to reduce exchange was received January 26. Please inform American Relief Committee that Department wishes full details of how gold would

be shipped, how disposed of and whether conversion into local currency would have the sanction of the Turkish Government. What guarantee have you that the benefit of the transaction will accrue to relief work only? Department has instructed American Minister, Stockholm, to restrain action of courier, if not too late, pending further developments. The concurrence of this Government should be obtained before any transactions of this nature are initiated. Please ask Committee to report fully.

LANSING

File No. 867.48/740

The Minister in Sweden (Morris) to the Secretary of State

[Telegram]

STOCKHOLM, March 6, 1918, 5 p. m.

[Received March 7, 4.55 a. m.]

1635. Your 557, February 21, 6 p. m., and my despatch No. 977.¹
From Constantinople:

[February] 27. The Committee states as follows: The circumstantial details are contained in Mr. Fowle's message of January 12² to the American Minister at Stockholm. The gold will be transported by the German courier and the disbursements made by the American Relief Committee as heretofore. The German Ambassador will deliver to the Swedish Legation at Constantinople for the American Relief Committee the amount in gold remitted by the Minister for Foreign Affairs to the German Legation at Stockholm. The Committee places the same confidence in its representatives in the provinces regarding the use of the entire profit realized on the transaction that it has reposed in them during the past three years for the distribution of other relief. Please consult Elkus, Dodge, Barton, and Peet. Information regarding the attitude of the Turkish Government toward the proposed transaction will be telegraphed soon.

MORRIS

File No. 867.48/742

The Minister in Sweden (Morris) to the Secretary of State

[Telegram]

STOCKHOLM, March 9, 1918, 4 p. m.

[Received March 10, 5.32 a. m.]

1661. From Constantinople:

[March] 5. I have received a letter from the Grand Rabbi informing me that the Ottoman Minister of Finance has notified him

¹ Neither printed; see telegram No. 507 of Jan. 31 to the Minister in Sweden, *supra*.

² Probably telegram transmitted through Stockholm Jan. 26, *supra*.

that he authorizes the arrival of relief from America in foreign gold to be changed into Turkish money. He desires to be advised each time of the amount received. Grand Rabbi informs me verbally that the notification of the Minister of Finance was made after discussing subject at the Council of Ministers and that all relief from America, not only that intended for Jews, is included therein.

MORRIS

[For papers relating to the decision of the Department to limit remittances to Turkey see section on Polish Relief: letter of March 15, 1918, to the President, the President's reply of March 16, and the letter to the War Trade Board, March 18, pages 526, 528, and 529, respectively.]

File No. 867.48/894

The British Ambassador on Special Mission (Reading) to the Secretary of State

No. 304

WASHINGTON, March 21, 1918.

DEAR MR. LANSING: You are aware that there is a desire on the part of the Zionists in the United States to despatch a medical unit to Palestine to assist in the work of relief in that country.

Mr. Lewin-Epstein, who proposes to go as the manager of the expedition, informs me that the State Department is prepared to recognize the unit as one of the United States medical units, should this be in accord with the wishes of His Majesty's Government.

My Government on their part have stated that there will be no objection to the despatch of the mission provided it be so recognized by the United States Government and that this recognition be notified to the enemy, in accordance with the provisions of the Geneva convention.

Believe me [etc.]

(For the Ambassador)

T. B. HOHLER

File No. 867.48/811

The Agent and Consul General at Cairo (Gary) to the Secretary of State

[Telegram]

CAIRO, March 30, 1918.

[Received March 31, 6.20 a. m.]

23. Under chairmanship Doctor Weizmann, Zionist Commission to Palestine arrived Cairo a few days ago and will proceed to Palestine next week. I am informed by Doctor Weizmann that by virtue of authority vested in Commission by British Government,

they are coordinating and will hereafter administer all measures of relief in Palestine with respect to Jewish community and that all funds for relief of Jews in Palestine should be paid to Jack Mosseri, who will act in Cairo on behalf of Commission.

It is respectfully recommended that as an officially recognized commission is now in charge of situation, all funds from America, whether for individual or general relief of Jews in Palestine, should hereafter be transmitted directly to Jack Mosseri, Cairo, through the intermediary of such Jewish organizations in America as may be determined by American Jews, and not through the Department and this Agency.

GARY

File No. 867.48/811

*The Secretary of State to the Agent and Consul General at Cairo
(Gary)*

[Telegram]

WASHINGTON, April 6, 1918.

Your 23, March 30. In view of banking conditions Department will continue to transmit relief funds through Agency for payment to and distribution by the commission authorized by British Government, you paying proceeds of drafts to their agent at Cairo.

LANSING

File No. 867.48/740

The Secretary of State to the Minister in Sweden (Morris)

[Telegram]

WASHINGTON, April 15, 1918, 5 p. m.

708. Your 1452¹ and 1635. Plan for forwarding gold from Sweden to Constantinople definitely disapproved. Cancel check for \$50,000.

LANSING

File No. 867.48/856

*The Secretary of State to the British Ambassador on Special
Mission (Reading)*

WASHINGTON, May 9, 1918.

MY DEAR LORD READING: I have been giving careful consideration to the request of the Provisional Zionist Committee for permission to send a medical unit to Palestine, and the statement in your note

¹ Not printed.

No. 304 of March 21, that His Majesty's Government have no objection to the despatch of the mission provided it be so recognized by the United States Government and that this recognition be notified to the enemy, in accordance with the provisions of the Geneva convention.

This Government has no objection to the formation of this unit but in view of the fact that the United States has not declared war on Turkey, that no American troops are engaged on that front, and inasmuch as the Zionist Medical Unit is to be employed with the British forces in Palestine, it appears that the notification to the enemy should properly be made by His Majesty's Government.

In the correspondence which the Department has had with the Provisional Zionist Committee regarding this medical unit, it appears that they desire to use as their emblem "the Red Shield of David." While not disapproving this emblem, the Department is pointing out to the Committee the possibility of confusion by the use of too many emblems in the field, and suggesting the advisability of adopting the Red Cross which emblem is internationally recognized as the distinctive sign of the sanitary service. It is possible that you may care to note this fact in connection with the final acceptance of the service of this unit with the British military forces.

I am [etc.]

ROBERT LANSING

File No. 867.48/856

The Secretary of State to the British Ambassador on Special Mission (Reading)

WASHINGTON, May 17, 1918.

MY DEAR LORD READING: With reference to my letter to you of May 9, 1918, and in order to comply with the requirements of the War Industries Board, Council of National Defense, in connection with the shipment of certain medical supplies for the use of the American Zionist Medical Unit which is about to proceed to Palestine, I am sending you herewith a memorandum officially recognizing this Unit as a society authorized to lend the services of its sanitary personnel and formations to the British Government.

I am [etc.]

ROBERT LANSING

[Enclosure¹]

The Department of State to the British Embassy

MEMORANDUM

The United States of America pursuant to the practice outlined in article 2 of the convention for the amelioration of conditions

¹ Filed separately under File No. 867.48/919a.

of the armies in the field, signed at Geneva, July 6, 1906 (which the United States does not consider as binding on it in the present war), hereby officially recognizes the American Zionist Medical Unit of Palestine as a society authorized to lend the services of its sanitary personnel and formations to the British Government, and consents to its doing so.

Since the United States is not at war with Turkey where the Zionist Unit is to be employed, the society is to be regarded as a society of a neutral state whose function in accordance with existing practice is merely to recognize officially the said Unit and to consent to its use. It is presumed that the British Government which is the belligerent to accept the assistance of this Unit, will desire to notify the enemy before making any use of the Unit.

WASHINGTON, *May 17, 1918.*

File No. 867.48/889

The Secretary of State to the British Ambassador on Special Mission (Reading)

WASHINGTON, *June 14, 1918.*

MY DEAR LORD READING: Referring to your note No. 304 of March 21, 1918, and my communication of May 9, relating to the request of the Provisional Zionist Committee to send a medical unit to Palestine, I now beg to submit the following lists of doctors and nurses comprising the personnel of the Unit:

[Here follow the lists.]

It is my understanding that His Majesty's Government will attend to the notification to the enemy concerning the Unit which, I am informed, is leaving the United States for Palestine immediately.

I am [etc.]

ROBERT LANSING

File No. 867.48/895

The Secretary of State to the Chamber of Commerce, Columbus, Ohio

WASHINGTON, *July 16, 1918.*

GENTLEMEN: The Department begs to refer again to your letter of June 12, 1918,¹ regarding the work of the American Committee for Armenian and Syrian Relief and to reply as follows to your inquiries.

The funds of this Committee are forwarded to Western Asia through this Department and under licenses granted by the War

¹ Not printed.

Trade Board. The work is conducted for the relief of Armenian, Syrian, Greek and other subject races of Western Asia and it is administered by more than one hundred American citizens, educators, physicians, missionaries and others who have remained at their posts for the purpose of administering this relief. The field of activity of the Committee includes Persia, Mesopotamia, and Palestine, as well as the subject races of the Ottoman Empire. No food or actual currency is sent into Turkey but credits only which permit the Committee's representatives to secure food locally and to administer relief to the subject races.

The work of the Committee is conducted with the approval of the Department of State, which, however, does not assume any responsibility for its activities.

The Department has been informed by the American Red Cross that the Red Cross has contributed from its war fund considerable sums of money for the use of this Committee in Turkey, Serbia, Persia, Armenia, Mesopotamia, and adjacent countries. The Red Cross expresses the opinion that the Committee is well organized and that it administers these funds for relief measures in an efficient manner. The Red Cross states that this Committee operates in a territory where great suffering and great need for relief are prevalent and that the Committee is the only relief agency with the exception of the Red Crescent recognized by the Turkish Government.

The Red Cross adds that their relationship to the Committee has been very close. A statement regarding the interrelationship of the American Red Cross and the Committee is contained in the publication of the American Red Cross, "The Work of the American Red Cross No. II," on page 92, enclosed herewith.¹

I am [etc.]

For the Secretary of State:

WILLIAM PHILLIPS

Assistant Secretary

File No. 867.48/959b

The Acting Secretary of State to the War Trade Board

WASHINGTON, July 22, 1918.

GENTLEMEN: I beg to inform you that this Department is inclined to view with favor certain relaxations in the amount of relief remittances for Turkey and remittances for the maintenance of American educational and philanthropical institutions in Turkey.

The Department would accordingly be glad to see licenses granted for the remittance of the following sums for the purpose stated:

¹ Not printed.

1. Maintenance:

Robert College.....	\$100,000
American Board of Commissioners for Foreign Missions.....	200,000
Presbyterian Board of Foreign Missions in Syria.....	200,000
Danish Mission to the Orient.....	10,000
Various Independent Missions.....	5,000
Friends' Foreign Mission Association.....	5,000
Lebanon Hospital for the Insane.....	5,000
Reformed Presbyterian Mission.....	10,000
Constantinople College for Girls.....	50,000
Syrian Protestant College, Beyrout.....	100,000
	\$690,000 ¹

This total of \$690,000 is to cover arrearages of these institutions since July 1, 1918, and to permit continuance of the work of the various institutions to July 1, 1919.

2. Relief:

American Committee for Armenian and Syrian Relief.....	\$252,800
Individual Relief Societies for Lebanon Villages.....	50,000
Individual remittances to Syrian relatives.....	100,000
	\$402,800

This sum is in the nature of a reimbursement for amounts paid out by the various local relief committees prior to the recent reduction in the monthly allotment or in partial ignorance of the limits which were to be observed.

The Department would further regard with favor an increase in the amount allotted for the months of July, August, September, 1918, for the American Committee for Armenian and Syrian Relief from \$119,200 to \$200,000. This sum of \$200,000 would accordingly include both individual and general relief. It is understood that the Committee has made application for the month of July for a total remittance of \$119,200. The increase for July would, therefore, be \$80,800 yet to be applied for.

I am [etc.]

FRANK L. POLK

File No. 763.72/11594

The Agent and Consul General at Cairo (Gary) to the Secretary of State

[Extract]

No. 112

CAIRO, August 24, 1918.

[Received September 30.]

SIR: Believing that it would prove of interest to the Department to have a report on some of the work I have performed the past seven months growing out of the British occupation of Palestine I have the honor to submit a *résumé* of same.

¹Total should be \$685,000 unless there is an error in the items.

RELIEF WORK

Soon after my arrival in Egypt last January various Jewish organizations in America became active in their endeavor to send financial relief to Palestine (Jerusalem having been captured by the British forces), and I was called upon to investigate and report upon the condition of the people and the measures of relief most needed. At the same time the Jews in Egypt were making similar plans and finally organized the "Special Committee for the Relief of Jews in Palestine." I think I may say that it was largely due to my efforts that cooperation between American and Egyptian Jews took place and that general relief work became centralized in the local Committee. This tended to bring about systematic organization and effective control, and brought the work into more harmonious touch with the military authorities who exercise, of course, absolute authority over all matters in the Holy Land.

When the "Special Committee" in Cairo with its subcommittees in Palestine became organized, I notified the Joint Distribution Committee in New York, and thereafter American relief funds commenced to flow into Palestine through the intermediary of this office.

Upon the arrival in Egypt of the International Zionist Commission, headed by Doctor Weizmann, all Jewish relief work was absorbed by the Commission. Doctor Weizmann called at the Agency with the members of his Commission to confer with me on the subject of relief in Palestine and other matters, and it was finally decided to establish an office in Cairo, to represent the Commission in relief matters, with Mr. Jack Mosseri in charge thereof.

I have continued to act as the intermediary for the transmission of all relief funds from America to Palestine—both for general purposes and for individual cases. Many tens of thousands of dollars have been and are being handled by this office for such relief.

AMERICAN RED CROSS COMMISSION TO PALESTINE

The American Red Cross Commission to Palestine, under the command of Col. St. John Ward, arrived in Egypt early in June last. Before proceeding to Jerusalem Colonel Ward and most of the members of the Commission came to Cairo to complete their organization and make certain necessary arrangements for their work in Palestine.

Colonel Ward and his principal officers called at the Agency to confer with me and enlist my advice and assistance particularly in their relations with the local officials and others.

Mrs. Gary and I entertained Colonel Ward and the members of his party to tea the day after their arrival in Cairo.

The Commission was soon followed to Egypt by Col. John H. Finley, of New York, its chief commissioner, who took charge upon his arrival. Colonel Finley made a special trip from Port Said to Cairo to confer with me for a few hours before proceeding later in the day to Palestine. On a subsequent visit I presented Colonel Finley to the High Commissioner, Gen. Sir Reginald Wingate, with whom we discussed at length the purposes of the Commission. Later His Highness the Sultan received Colonel Finley and myself in private audience at his palace in Ramleh.

The Red Cross Commission established an office in Cairo under the charge of Captain Millikin, who has frequently enlisted my intervention in his dealings with the local authorities. I have been able to render considerable assistance to Captain Millikin, not only in his work generally but also in the many perplexing problems that have confronted him. The Agency has also been the intermediary for the transmission of all cablegrams to and from the Commission.

AMERICAN ZIONIST MEDICAL UNIT TO PALESTINE

A few days ago there arrived in Egypt the American Zionist Medical Unit to Palestine, a party composed of some 38 members of whom 33 are citizens of the United States. They stopped in Cairo only a brief time on their way to Jerusalem. Mr. Moses Baroway, of Baltimore, Md., secretary attached to the Unit, who remained a few days in Cairo, called on me here at the Agency. He told me that there were 20 nurses and 18 physicians in the Unit headed by Miss Alice Seligsberg. He further stated that the Chairman of the Unit, Mr. E. W. Lewin-Epstein, was ill in London but hoped to proceed to Palestine in the near future. In response to his request I gave Mr. Baroway such data and information about Jerusalem and the situation there as I thought might prove helpful to him and told him to write or telegraph me whenever I could further serve him and the American Zionist Medical Unit.

I have [etc.]

HAMPSON GARY

PERSIAN RELIEF

File No. 891.48/30

The Minister in Persia (Caldwell) to the Secretary of State

[Telegram]

TEHERAN, December 10, 1917, 9 a. m.

[Received December 14, 2.35 a. m.]

Unmitigated famine conditions continue throughout Persia as a result of crop failure and war, many starve daily. Food extremely scarce and prices unbelievable. Local relief inadequate and committees unable to relieve situation.

If American Red Cross or other organizations could assist local authorities and American Presbyterian Mission, such would be desirable and worthy and besides have a good political effect. See my telegram of October 22, 9 a. m.,¹ and despatch No. 330 of October 4.¹

CALDWELL

File No. 891.48/30

The Secretary of State to the Minister in Persia (Caldwell)

[Telegram]

WASHINGTON, *January 10, 1918, 6 p. m.*

23. Your December 10, 9 a. m. If American Red Cross undertakes to furnish relief for famine how could relief supplies best be purchased and distributed?

LANSING

File No. 891.48/33

The Minister in Persia (Caldwell) to the Secretary of State

[Telegram]

TEHERAN, *January 22, 1918.*

[*Received January 23, 12.45 p. m.*]

Repetition [of my] January 14, 5 p. m.¹ Your cipher telegram January 10, 6 p. m. Relief needs urgent for different cities. Report several deaths daily. Limited amount of wheat, rice, foodstuffs could be purchased throughout the provinces through the Persian Government, which fixes prices. Medical supplies would be most difficult. Importation of foodstuffs and supplies impracticable if not impossible. Prices exorbitant, wheat \$15 to \$20 per bushel. Distribution could be made through local American missionaries and existing committees. Persian citizens and authorities cooperating but task too great for them alone. One local organization spends \$20,000 monthly in Teheran but cares for only 10 per cent of city's needy. Conditions are similar in all the provinces.

CALDWELL

File No. 891.48/33

The Secretary of State to the Vice Chairman of the American Red Cross (Wadsworth)

WASHINGTON, *January 25, 1918.*

SIR: There is herewith enclosed to you a paraphrase of a telegram dated January 22,² from the American Minister at Teheran, relative to the famine conditions in Persia.

¹ Not printed.

² Text of telegram of Jan. 22 printed *supra*.

Believing that a practical expression of American good will towards Persia, at the present time, would be very beneficial, the Department feels that if the American Red Cross is able to take any steps towards the alleviation of the famine conditions in Persia, such action, under present conditions, would be especially desirable.

I am [etc.]

For the Secretary of State:

WILLIAM PHILLIPS

Assistant Secretary

File No. 891.00/928

The Acting Secretary of State to the Minister in Persia (Caldwell)

[Telegram]

WASHINGTON, *March 5, 1918, 7 p. m.*

29. Your March 1.¹ What is status Persian Cossacks referred to? Are they in service of Persian Government or under Russian control? Send detailed report of your information relative to conflict. Does Persian Government approve Turkish treatment of Armenians? It is of great interest to the United States that there should be no conflict between Persians and Armenians and German propaganda undoubtedly aims at producing such conflict. Have you no suggestions as to what can be done in this matter? Call attention of Persian Government to appropriation by American Committee for Armenian and Syrian Relief for distressed inhabitants of Persia, and also inform Persian Government that American Red Cross has appropriated a relief fund of \$200,000 a month for two months, to be divided between distress in Turkey, Caucasus, and Persia. Red Cross states appropriation will probably continue for four additional months.

POLK

File No. 891.48/88

The British Ambassador on Special Mission (Reading) to the Counselor for the Department of State (Polk)

No. 311

WASHINGTON, *March 22, 1918.*

[*Received March 25.*]

DEAR MR. POLK: Doctor MacCallum, late of the Bible House in Constantinople, recently came to this Embassy to unfold a scheme for relief in Persia and enquired what the views of the British authorities would be. He said that the scheme had the unofficial but hearty approval of the State Department.

We accordingly enquired and find that the prospects for the harvest in Persia are good throughout practically the entire country,

¹Not printed.

and whilst this harvest will be gathered in within four months from now, Doctor MacCallum and his party could barely get to work on the spot before that time. Thus his mission would be a fruitless expenditure of energy and money, and he has been informed accordingly.

I thought you might be interested to know the facts of this matter.
I am [etc.]

READING

File No. 891.48/43

The Secretary of State to the Minister in Persia (Caldwell)

[Telegram]

WASHINGTON, April 22, 1918.

44. Deliver following message to Persian Government and also Crown Prince at Tabriz:

The American Committee for Armenian and Syrian Relief working under the auspices of the Red Cross has for the past two years and a half sent over \$1,880,000 for the relief of Moslems and Christians alike, irrespective of race, creed, or locality. Of the above sum, during the last few months more than \$265,000 has been sent to Teheran for distribution to relieve Moslems there and at Meshed and other Persian towns, to purchase food, clothing, and medicines.

American diplomatic agents and American missionaries have distributed our money freely. The disinterested character of the missionaries, their educational, philanthropic work, their medical schools, have been known to Your Royal Highness, and they have had no political motives of any kind.

A cloud we understand has broken whereby some of those who have received our aid are at conflict with each other at Salmas and vicinity. In the name of humanity and for the love of freedom of which your great poets have sung, and for the sake of your great country, we appeal to Your Royal Highness to use your kind and great influence and the forces at your command to make peace among those at conflict irrespective of religion and nationality. May your country be a harbour for the oppressed ones until this bloody war is ended. We are ready for any service that Your Royal Highness may demand for the benefit of your nation and subjects. Signed The American Relief Committee.

LANSING

File No. 891.48/45

The Secretary of State to the Minister in Persia (Caldwell)

[Telegram]

WASHINGTON, May 10, 1918, 6 p. m.

53. Report situation of Jews throughout all Persia.

LANSING

File No. 891.48/48

The Minister in Persia (Caldwell) to the Secretary of State

[Telegram]

TEHERAN, May 13, 1918, 11 a. m.

[Received May 14, 9.44 a. m.]

Your telegram 53, May 10, 6 p. m. Needy Jews in Persia estimated thirty to forty thousand of which probably 25 per cent are starving and in dire need.

CALDWELL

File No. 891.48/50

The British Chargé (Barclay) to the Assistant Secretary of State (Phillips)

No. 520

WASHINGTON, May 15, 1918.

[Received May 17.]

MY DEAR MR. PHILLIPS: With reference to the question of the proposed visit to Persia of Doctor MacCallum's relief expedition, about which discussion has taken place recently, I write to inform you that we have now received a telegram from the Foreign Office to the effect that the British Government agree that the presence of the committee in Persia is calculated to be useful, in connection with the distribution of the sum of money given to Persia by the United States Government for relief purposes.

The Foreign Office express the hope that Doctor MacCallum will consult with Mr. Marling, the British Minister, on his arrival in Persia. Mr. Marling has had long experience in Persia and an intimate knowledge of present Persian politics, and he will of course be glad to assist Doctor MacCallum with the object of securing that the money to be distributed is not misapplied.

Believe me [etc.]

COLVILLE BARCLAY

File No. 891.48/60a

The Secretary of State to the Minister in Persia (Caldwell)

[Telegram]

WASHINGTON, May 29, 1918.

60. Draw on Secretary of State \$15,000 deposited by Joint Distribution Committee by method most advantageous to save exchange, consult Committee Bienfaisance Israelite, Teheran, Alliance Israelite, Hamadan, and British Consul, Ispahan, and other leaders, Jewish community especially, and distribute money relieving Jewish

distress. Send detailed reports from local committees for Joint Distribution Committee at earliest opportunity.

LANSING

File No. 891.48/65

The Secretary of the American Committee for Armenian and Syrian Relief (Vickrey) to the Department of State

NEW YORK, July 5, 1918.

[Received July 6.]

GENTLEMEN: Sometime ago Mirza Ali-Kuli Khan, Chargé d'Affaires of the Persian Legation, asked me as secretary of the American Committee for Armenian and Syrian Relief to send him a letter which he could have on record concerning our commission to Persia.

For the information of the Department I give you herewith carbon copy of the letter I have written in response to this request.

Respectfully yours,

C. V. VICKREY

[Enclosure]

The Secretary of the American Committee for Armenian and Syrian Relief (Vickrey) to the Persian Chargé (Ali-Kuli Khan)

NEW YORK, July 5, 1918.

YOUR EXCELLENCY: I want to express to you our Committee's deep appreciation of the message which we received from our Department of State, and also of the letter you sent to us expressing the appreciation of your Government of services which representatives of our Committee have been privileged to render in Persia.

I assure you that it will be our pleasure to continue to render any service within our power along humanitarian lines, and as an expression of good will and friendship for your people.

I desire to report to you that at a recent meeting of our Committee it was voted to make this humanitarian service more effective, by offering to send at our expense additional relief workers. For this purpose we now have under appointment, if acceptable to your Government, a commission of experienced educators, financiers and philanthropists, who will be glad to render any service that may be within their power.

I understand that both Doctor Judson and Doctor Cook have conferred with you concerning this commission, and have doubtless discussed with you the personnel, dates of sailing, etc.

This commission as at present contemplated consists of:

Dr. Harry Pratt Judson, President of the University of Chicago,
as Director
Wilfred M. Post, M.D., formerly in charge of the American
Hospital in Konia, Asia Minor
Wilbur E. Post, M.D., member of the medical faculty of the
University of Chicago
Joseph W. Cook, M.D., formerly in charge of the American
Hospital at Teheran
Prof. A. V. W. Jackson, of Columbia University
Mrs. A. V. W. Jackson
E. W. McDowell, formerly of Tabriz
Roland S. Vaile, expert agriculturist from University of
California
F. Tredwell Smith, of Yale University
Livingston Bentley, Princeton University
Harold R. Holmes, Cornell College, civil engineer
Leland Rex Robinson, Columbia University

The last nine on the above list have already sailed from the Pacific Coast and are now in Japan or China. Doctor Judson, the two Doctors Post, and possibly Mr. Maurice Wertheim, a well-known New York business man, will be prepared to sail as soon as the necessary permits and passports are received.

We will be pleased to receive from you any advice which you may have with reference to service that the above commission may render in Persia.

You will also be interested in knowing that our Committee is now seeking incorporation by special act of Congress, under the new name of the American Committee for Relief in the Near East. In any correspondence with your Government you may perhaps prefer to use this new name rather than our old one.

Respectfully yours,

[No signature indicated]

File No. 891.48/75

*The Consul at Tabriz (Paddock), Temporarily at Casvin, to the
Secretary of State*

[Telegram]

CASVIN, August 22, 1918, 6 p. m.

[Received August 24, 5.20 p. m.]

My telegram of August 15, 1 p. m.¹ The last reports probably about 40,000 refugees expected to arrive Hamadan; 15,000 are said to have been massacred or died *en route*. British organizing refugee camps, hospitals, but our assistance required immediately. With the

¹ Not printed.

approval of the Legation I expect to visit Hamadan to help to organize work with the American missionaries pending the arrival of the American Relief Committee, but it is believed it is not advisable to transfer my consular office already established at this most central point. American Committee for Armenian and Syrian Relief, New York, should be advised funds needed at once, may be transmitted to treasurer, Presbyterian Mission, or to me here because there is not communication with Vanneman, treasurer, or the other members of the Persian Committee. British staff here has been informed that 5,000 Christians, including 19 Americans, remained Urumiah, therefore it is very possible Shedd's were only missionaries to leave. Full details not yet received. . . . Am informed that because of food scarcity in Persia it is probable that the majority of Syrian refugees incapable of military service will be sent by the British to Mesopotamia.

PADDOCK

File No. 891.48/77

The Minister in Persia (Caldwell) to the Secretary of State

No. 381

TEHERAN, May 6, 1918.

[Received August 26.]

SIR: I have the honor to report compliance with the Department's telegraphic instruction of April 22, No. 44. A copy of the telegram was wired to the Crown Prince at Tabriz and an additional copy transmitted to the Persian Foreign Office.

Hereto attached is translation, in duplicate, of the reply of the Persian Foreign Minister to the above-mentioned communication.

I have [etc.]

JOHN L. CALDWELL

[Enclosure—Translation]

The Persian Minister of Foreign Affairs (Moshaver-ol-Mamalek) to the American Minister (Caldwell)

No. 4259/231

Rajab 23, 1336 (May 5, 1918).

EXCELLENCY: We have the honor to acknowledge receipt of your communication of April 23 last, enclosing copy of a telegram from the "Armenian and Syrian Relief Committee." In answer to it we desire to state that it has been the policy of the Persian Government for many years to treat honorably all peoples of foreign nations, especially Christians, residing in Persia. Unfortunately, as Your Excellency knows, some Turkish Christians invaded Persia during this great war and have assassinated more than 20,000 persons, besides committing many other crimes against the inhabitants. If, with the assistance of the American Government the "Armenian and Syrian Relief Committee" will stop these people from committing further crimes and cruel deeds, the Persian

Government will be glad to honor and help them in every way possible.

This occasion is taken to renew the honors due to you.

(Signed) ALI GHOLI

(Sealed) MOSHAVER-OL-MAMALEK

File No. 891.48/93

The Minister in Persia (Caldwell) to the Secretary of State

[Telegram]

TEHERAN, October 2, 1918, 1 p. m.

[Received October 3, 12.30 p. m.]

16. American Relief Commission *en route* to Persia, headed by Doctor Judson, are scattered on the Pacific at Seattle, Bombay, Kermanshah, and Harakiri. They have immense supplies of much-needed medicine, supply of which is almost entirely exhausted in Persia. Epidemic of influenza prevails and quinine retails at \$125 a pound. Commission also has stock of cotton, cotton cloth for clothing poor, Ford trucks, two motors, etc., but have been requested by British military to establish headquarters in Mesopotamia at Bakuba, between Kermanshah and Bagdad, where all indigent refugees from Urumiah region, women and others not of military age, variously reported at from 30,000 to 70,000 souls, are being maintained. Those of military age are pressed into service. In view of the foregoing, additional funds and help will be necessary to care for the poor and the refugees here and in other parts of Persia. Fifteen thousand Armenian refugees reported to have landed at Resht from Baku, but there is chance of their returning.

Relief funds distributed and work carried on last winter through American missionaries and Legation staff, three of the former dying as a direct result of work. We will be unable to carry on work this winter without assistance.

Doctor Cook of Commission, see your telegram No. 51, May 1, 5 p. m.,¹ suddenly taken ill at Bombay, is returning to America.

CALDWELL

File No. 891.48/112

The Persian Minister of Foreign Affairs (Moshaver-ol-Mamalek) to the Secretary of State

[Telegram—Translation]

TEHERAN, undated.

[Received November 21, 1918, 12.55 a. m.]

YOUR EXCELLENCY: At the time when Persia greets in her Capital the American Relief Mission headed by the Honorable Professor

¹ Not printed.

Judson, I hasten to beg Your Excellency kindly to convey to the noble nation of the United States the heartfelt thanks of the Persian Government and people for that charitable and benevolent action. I am convinced that this further mark of friendship and good will given to Persia by the United States will draw still closer the ties of good harmony existing between our two countries and will enhance the Persian people's friendship for the American nation and the growing esteem they profess for its Government, which in the days of trial always gives evidence of its true sympathy with Persia.

MOSHAVER-OL-MAMALEK

FINNISH RELIEF ¹

File No. 860d.48/27

The Finnish Commissioner (Ignatius)² to the Secretary of State

WASHINGTON, December 4, 1917.

[Received December 10.]

SIR: In behalf of the Finnish Government, whose representative I am, I beg leave to direct the attention of the Department of State to certain facts relating to the food situation in Finland and to ask your cooperation in relieving the critical condition of the Finnish people. As the Government of the United States is undoubtedly aware, the conditions in Finland are appalling. Starvation and death threaten a large part of the population. It is essential that they should obtain flour from the United States. In the present condition of affairs in Russia, it is utterly impossible to obtain food supplies from that country. The sufferings already endured by the people of Finland have been heartrending. Finland does not produce enough food for its own support, but is dependent upon foreign countries for a large part of its supplies of grain. Before the war, it raised about 360,000 tons of breadstuffs and imported about 400,000 tons, of which 50,000 came from the United States, the remainder from Russia. With the war, the importations from America ceased and the disorganization of Russia has caused a cessation of imports from that country. Owing to frosts last July and drouths, the crop of 1917 was only about 200,000 tons, instead of 350,000 to 360,000, as in normal times.

In May, 1917, foreseeing the inevitable shortage in Russia, the Finnish Government, through Messrs. W. R. Grace & Co., New York, and their representative in Stockholm, arranged for the purchase of 50,000 tons of wheat flour in America. This flour has

¹ See also "Finland" in *Foreign Relations, 1918, Russia*, vol. II, pp. 723-814.

² According to a telegram of Sept. 29, 1917, from the Minister in Sweden: "Finnish Senate with the approval of the Russian Government has appointed Doctor Ignatius to go to America to negotiate for the exportation 60,000 tons flour for Finland." (File No. 860d.48/40.)

been bought and paid for by the Finnish Government through a credit opened with the National City Bank. A considerable portion of it is already in warehouses in Baltimore and New York. Some is in cars *en route* from the mills to the warehouses. Part of it is still at the mills.

As soon as the purchase was arranged for the Finnish Government applied to the Inter-Allied Supply Committee in Petrograd for licenses to import the flour. This Committee is made up of representatives of all the Allied countries, including the United States, and is presided over by the Russian General Michelson. The Committee suggested that sufficient rye flour might be purchased in Russia and accordingly licenses for importation from the United States were not granted at that time. The Finnish Government made every effort to obtain flour in Russia and paid in advance 60,000,000 Finnish marks to the Russian Government for rye flour, which was to be delivered in Finland in August and the beginning of September.

As no flour reached Finland from Russia in August or the early part of September and as the Finnish crop was seen to be a complete failure owing to frosts and drouth, the Finnish Government again pressed the Inter-Allied Supply Committee for relief and about the middle of September that Committee granted an import license for 60,000 tons of wheat flour from America.

Three Swedish steamers were chartered through Grace & Co. for account of the Finnish Government to begin the transportation of flour from America. In the latter part of September, 1917, Messrs. Grace & Co. applied in Washington for export licenses and letters of assurance covering two cargoes of the flour to be shipped on the Swedish steamers *Emanuel* and *Pacific*, but the application was unsuccessful.

In order to avoid the possibility of any portion of the flour falling into the hands of the enemy, the Finnish Government arranged with the Swedish Government for transit licenses for the flour and arranged that the flour should be transported to Narvik, Norway, thence by rail to Karunki, Sweden, which is on the Finnish border, there to remain under American control—weekly rations to be released to Finland.

Under date of October 6, 1917, the United States Food Administration, Milling Division, requested Messrs. Grace & Co. to discontinue purchases of flour under "Finnish orders" on the ground that further purchases at that time would "mean that millers would be putting on their books or in transit a quantity of flour which, if it was not cleared, would merely cause confusion and congestion." At that time approximately 3,250 tons of flour was in warehouses in Baltimore, 11,940 tons in New York warehouses and 29,878 tons was

to arrive—11,847 consigned to Baltimore and 18,031 consigned to New York. Messrs. Grace & Co., of course, complied with this request.

On October 27, 1917, Messrs. Grace & Co. were notified that the flour in the warehouses of New York Dock Co. in New York and the Canton Co. in Baltimore had been requisitioned by the U. S. Food Administrator and on November 30, 1917, Messrs. Grace & Co. were similarly notified that the flour in the Brooklyn Eastern District Terminal Warehouse at North 10th Street, Brooklyn, had been requisitioned.

If sufficient flour is released by the United States to relieve the immediate and absolute necessities of the Finnish people, there is not the slightest possibility that any portion of this flour will reach the enemy. The arrangement with Sweden insures the delivery of the flour by a northern route without risk of capture by the Central Powers.

I respectfully request that the State Department take such action as may be proper to secure the release of a sufficient quantity of the flour owned by the Finnish Government to relieve the immediate necessities of the Finnish people.

I am [etc.]

KAARLO IGNATIUS

File No. 860d.48/58

The Secretary of State to the Ambassador in Russia (Francis)

[Telegram]

WASHINGTON, December 19, 1917, 1 p. m.

1915. Your 2098, December 13, 10 p. m.¹ Food Administration has requisitioned for France flour purchased by Finnish Senate. Conditions so urgent as to offer no other alternative. Department therefore arranging with Food Commission for Ignatius, Food Commissioner of Finnish Senate, now in Washington, to procure corn supplies now available at Gulf ports. Will advise you later as to pork and sugar.

LANSING

File No. 860d.48/67

The Commercial Adviser of the British Embassy (Crawford) to the Counselor for the Department of State (Polk)

WASHINGTON, January 4, 1918.

[Received January 5.]

MY DEAR POLK: With reference to the Finnish shipments of flour and wheat which we discussed today a telegram was received relative to this on December 29.

¹ Not printed.

His Majesty's Government consider that until full control has been organized there is serious danger of Finnish supplies being sent to Germany or being seized by the Bolsheviki.

According to reports which have been received there is to all intents and purposes open trade between Germany and Finnish ports, and smuggling, on a very important scale, has been going on from Finland to Sweden and Germany for several months. A recently forwarded consignment of rice from Sweden to Finland for Finnish consumption has been seized by Russian soldiery. We are accordingly instructed to ask whether any measures have been taken to ensure that forwarded supplies will be consumed by the Finns.

It is presumed that the supply question has been fully considered, and due regard has been given to Allied requirements, including those of Italy, in allocating this large quantity of cereals.

Furthermore in view of urgent demands of Allies for neutral tonnage and importance of not disturbing pending negotiations for shipping agreements, it is hoped that the British authorities may be consulted before steps are taken to place Dutch or Swedish ships at the disposal of the Finns.

My Government trust that before any binding arrangement is made to ship the proposed purchase of 45,000 tons of oats and corn, or other cereals or flour, an opportunity will be given for full consultation. It is felt that if a supply of foodstuffs is permitted to Finland, careful organization of the methods of distribution will be necessary. This might perhaps best be arranged by agreeing with the Swedish delegates to increase Swedish rations in certain particulars in return for Swedes sending supplies to Finland.

I am [etc.]

RICHARD CRAWFORD

File No. 860d.48/3a

*The Counselor for the Department of State (Polk) to the
Commercial Adviser of the British Embassy (Crawford)*

WASHINGTON, *January 12, 1918.*

MY DEAR CRAWFORD: The Secretary is of the opinion that certain definite food supplies for Finland should be allowed to go forward to replace flour which had been purchased by the Finnish Senate and which was subsequently requisitioned here.

It will, of course, be necessary to work out safeguards for the delivery of food supplies. For this purpose, and also to obtain the least possible delay, I have asked Mr. Basil Miles¹ to confer with you, the Food Administration and the War Trade Board. The

¹ Of the Department of State.

Finnish Commissioner here assures us that Finnish authorities will do everything practicable to cooperate.

Sincerely yours,

FRANK L. POLK

File No. 860d.48/53

The Secretary of State to the Minister in Sweden (Morris)

[Telegram]

WASHINGTON, January 16, 1918, 8 p. m.

487. It is proposed to ship certain oats or other foodstuffs to Finland to replace 40,000 tons flour purchased by Finnish Senate and requisitioned by United States Food Administration. Please confer with British Minister and Swedish Government on such points as may be necessary in the following method of controlling distribution which is proposed by this Department, including question of transit across Sweden:

Shipments will be made to Narvik. If desired, an American supercargo will go with each ship and certify correct delivery at Narvik. Consignments will be made to American Consul at Helsingfors who, in conjunction with American Legation at Stockholm, will undertake onward transmission from Narvik across Sweden to Haparanda. The Consul or his representative will consult with proper Finnish authorities and divert consignments to desired points where he will release the foodstuffs for consumption in the particular locality or district, still under such supervision as he finds requisite. The Finnish authorities undertake to account to the Consul in detail for the distribution of each consignment entering Finland and recognize the authority of the Consul to stop distribution at any time either before or after entry into Finland.

Answer urgent.

LANSING

File No. 860d.48/73

The Minister in Sweden (Morris) to the Secretary of State

[Telegram]

STOCKHOLM, January 29, 1918, 7 p. m.

[Received January 30, 7.15 a. m.]

1407. Your 487, January 16, 8 p. m. Am now in receipt of note from Swedish Foreign Office, stating that the Swedish Government is ready to authorize the transit of shipments of cereals, flour, and pork, to the Finnish Government, without asking for any compensation from our Government.

Mr. Sayer, the agent in Sweden of Grace & Co., has declared his readiness to assume the responsibility for the control of these ship-

ments while in transit, and says that he does not consider that it will be necessary to send a supercargo with each shipment.

However, I respectfully suggest that no shipments be sent forward until order is once more restored in Finland, as under present conditions it would be impossible to control their distribution.

MORRIS

File No. 860d.48/81a

The Counselor for the Department of State (Polk) to the Shipping Board Representative on the War Trade Board (Munson)

WASHINGTON, February 21, 1918.

MY DEAR MR. MUNSON: We have a telegram from the American Minister at Stockholm¹ which says that the party of law and order are now in control of the north of Finland and that consequently an initial shipment of foodstuffs for Finland could go forward via Narvik, especially as the Minister reports that he can arrange matters so as to stop delivery at any time when it may seem that the supplies are not being properly distributed.

In view of this report, the Department requests that there may be the least possible delay in your arrangement with the Finnish Commission for the shipment of the initial supply of one or two small ships whose total cargo we understand will aggregate some eight thousand (8,000) tons.

I am [etc.]

FRANK L. POLK

File No. 860d.48/163a

The Secretary of State to the Minister in Sweden (Morris)

[Telegram]

WASHINGTON, February 27, 1918, 6 p. m.

570. For Finnish Legation [from Ignatius]:

Eight thousand tons oats ready for immediate shipment. Please communicate with Mr. Sayer, Scandinavian Trading Co., regarding charter of Swedish ships. I have here no funds for freight or insurance. Am trying to obtain Norwegian steamers of which only those reserved for Norway's use can be accepted, but even they must be chartered through you or Sayer as no funds here. *Hellig Olav* will probably take 2,000 tons to Gothenburg on her next trip. Arrange freight with owners, Copenhagen. War Trade Board here promised me yesterday use of that steamer. Ignatius.

LANSING

¹ No. 1479, Feb. 12, *Foreign Relations*, 1918, Russia, vol. II, p. 749.

File No. 860d.48/83

The Minister in Sweden (Morris) to the Secretary of State

[Telegram]

STOCKHOLM, *February 27, 1918, noon.*

[Received 7.28 p. m.]

1579. Your 487, January 16, 8 p. m. Two Finnish delegates called on British Minister and myself and said that Finnish Government had been conferring with Inter-Allied Supply Committee in London, which Committee was requiring guarantees before its food shipment. Finnish Government accepted control of food distribution but refused to curtail freedom of action for export of wood products. We suggested that Finnish Government should make some counter-proposition as negotiations at present at a standstill, which proposition we would transmit to our Government.

Finnish Government is undoubtedly pro-German, and as Germany is only country that has helped it in its struggle, it is unwilling to bind itself to refuse all exports to Germany in case the latter should desire same. Finns claim starvation imminent, and if we refuse supplies they will address themselves to Germany, and thus be entirely on their side. If Germany unable to supply food they will starve, and blame will be placed on Allies by all Scandinavia, which might have bad effect on our *post bellum* situation in this part of the world.

It would seem as if Allied Governments must decide, therefore, whether it is worth their while for *post bellum* political and economic reasons to try and maintain a foothold in Finland, as the latter can apparently neither benefit nor harm us during the war, the compensation she can offer for the food in any event being small.

MORRIS

File No. 860d.48/164

*The Minister in Sweden (Morris) to the Secretary of State*¹

[Telegram]

STOCKHOLM, *March 16, 1918, 6 p. m.*

[Received March 16, 11.17 a. m.]

1707. Concerning the furnishing of cereals to Finland and the negotiations which took place at London between the British Government and representative of the Finnish Senate as summed up in a letter addressed to Doctor Holsti by the British Government on February 28, British Minister has been approached by representative of the Finnish Senate here to continue this discussion. Allied Ministry

¹ Copy to L. P. Sheldon, War Trade Board representative at London (see last paragraph).

have considered this quite in the light of altered conditions created by publication of Finnish treaty with Germany and have examined the desirability of permitting exports of cereals or other commodities to Finland in return for: (1) return to Sweden of Russian goods in Finland; (2) release of British vessels in Finnish waters; (3) sale or charter to Allies of Russian vessels in Finnish waters.

Allied Ministers are of the opinion [1] that in view of control of Finnish commerce now obtained by Germany any arrangement is *prima facie* undesirable as it would presumably be made only with German consent and is therefore presumably in German interest; (2) that [as] the import of wheat which Germany has promised must be presumed to be sufficient to keep Finland from starvation, any import of cereals from the Allies would therefore possibly enable the creation of a reserve; (3) that as Germany may have great difficulty in carrying out her promise to supply cereals and import, the Allies would assist Germany in this respect.

The Finnish Government have asked permission to retain all Finnish transit goods in Sweden against the return of Russian transit goods in Finland. As we have no legal right to detain the goods in Sweden, or at any rate we are liable to be forced to release them and are having great difficulty in this respect, Allied Ministers are at once negotiating an arrangement on these lines. The matter is particularly urgent as information has been received that Russian goods at Torneå are already being conveyed to Scandinavia. We consider that we should at any rate obtain all the Russian goods at Torneå in exchange for Finnish goods in Sweden. Of the remaining goods in Finland only some 2,500 tons appear, from the particulars available, to be of any military importance. If it is necessary to give something extra, giving them comparatively small quantity of goods, we are opposed to cereal being shipped by the Allies to Finland for the purpose and deem it preferable to ask the Swedish Government to purchase these goods for sale to approved firms in Sweden upon such terms as to compensation as they can arrange with the Finnish Government. If the Swedish Government are obliged to give cereals at a rate not exceeding ton for ton, Allied Governments could undertake to replace later Swedish cereals so used. For the above objects therefore no shipment of cereals from the United States of America to Finland is necessary, and we consider for the reasons above stated that such a shipment in present circumstances is undesirable.

With regard to the British ships in Finland, British Minister is at once demanding a guarantee that they will be permitted to leave as soon as ice permits. If this request is refused we wish for your views as to the desirability of some bargain being made for their release, and for this purpose it is safe to permit some import to Finland of cereals or other goods from the Allies. We will be glad of

instructions as to the terms you would be prepared to offer the Finnish Government if release of ships is refused. We shall advise you of progress of the negotiations with Finnish representatives as regards exchange of Russian goods for Finnish as stated above.

We consider that the question of the Russian ships should form the subject of separate negotiations for purchase or charter and should be glad of the views of the Chartering Committee in London on this head. Allied Ministers are sending similar telegrams to their Governments. Copy sent Sheldon.

MORRIS

File No. 860d.00/50

The Secretary of State to the Minister in Sweden (Morris)

[Telegram]

WASHINGTON, March 30, 1918, 5 p. m.

653. Your 1707 and 1688.¹ Department has advised Finnish Commissioners here that it approves of initial shipment of 2,000 tons of foodstuffs for Finland. British Government does not object.

LANSING

File No. 860d.48/84

The Minister in Sweden (Morris) to the Secretary of State

[Telegram]

STOCKHOLM, April 2, 1918, 6 p. m.

[Received April 3, 3.30 a. m.]

1813. Your 653. I beg to refer to my 1707 giving the views of myself and my colleagues on the question of the supplies of cereals to Finland. We are still unanimous in the opinion that giving cereal to Finland is directly helping the enemy. After the despatch of my telegram 1707, the Inter-Allied Committee in Stockholm interviewed delegates of the Finnish Government and informed them that in view of the new position in Finland, it seemed impossible for any export of cereals to Finland to be permitted. The Committee, however, inaugurated negotiations for the exchange of transit goods in Finland against Finnish transitory goods in Scandinavia, which has now resulted in a concrete proposal being put forward by the Finnish delegates on this basis. Not only with [would] a grant of cereals to Finland be directly inimical to our interests in general, but it must inevitably prejudice the negotiations for transit goods.

I strongly urge, therefore, that your decision be reconsidered and that the [shipment] of cereals be refused. My French, British, and Italian colleagues concur with me in the above, and our opinion is strengthened by report of the Allied military mission which has just returned to Sweden from General Mannerheim's quarters. The

¹ Latter not printed.

mission report that so far as they can see, the White Party of Finland is entirely under German influence and that they personally were insulted by Finnish officers with pro-German sympathies, although traveling with General Mannerheim's special passport.

There is, therefore, nothing to cause me to change the views expressed in my telegram 1707, which I trust will be given serious consideration.

MORRIS

File No. 860d.48/100a

The Assistant Secretary of State (Phillips) to the Chairman of the War Trade Board (McCormick)

WASHINGTON, April 12, 1918.

MY DEAR MR. MCCORMICK: I enclose herewith copy of a telegram for the War Trade Board from the Embassy at London, No. 9448, dated April 11, 1918, 2 p. m.,¹ inquiring what may be the situation in regard to sending foodstuffs to Finland.

The Finnish Food Commissioner, Doctor Ignatius, has been informed verbally that existing conditions in Finland do not, in the opinion of this Department, warrant the shipment of any grain or any other foodstuffs at present. Doctor Ignatius was informed of recent grave discourtesies to British and American officers on the part of the Finnish White Guard troops and the Acting Finnish Minister for Foreign Affairs, his attention was called to the presence of considerable bodies of German troops in Finnish territory, the negotiations of the Finnish White Guard authorities with Germany for supplies of food, restoration of order and the reported movement to cut the Murman Railway.

The Department will not fail to advise you of any change in the situation which may modify the attitude of this Government.

I am [etc.]

WILLIAM PHILLIPS

File No. 860d.48/29

The Secretary of State to the Chargé in Great Britain (Laughlin)

[Telegram]

WASHINGTON, June 18, 1918, 3 p. m.

8296. Finnish representative in London has telegraphed to Doctor Ignatius, Commissioner of Finnish Senate, here, as follows:

Foreign Office negotiating Allies to send immediately Scandinavia 11,000 tons American grain to be distributed in Finland after German withdrawal. Saw today American representatives who request you repeat similar proposal. Swedish steamers likely obtainable.

¹ Not printed.

Please advise Department whether facts as stated. You may inform Foreign Office that this Government has not changed its views that no shipments of foodstuffs should be made available for distribution in Finland for the present.

LANSING

File No. 860d.48/34a

The Secretary of State to the Chargé in Great Britain (Laughlin)

[Telegram]

WASHINGTON, July 6, 1918, 7 p. m.

78. This Department believes that the accumulation of food in Finland, the delivery of which would be contingent upon the Finnish people breaking with the Germans, is inadvisable and would seem to imply that this Government is interested in Finland only in so far as it will serve as a pawn in the game of war against the Central Powers. As the Finnish Government seems to have committed itself definitely to cooperate with Germany, and is furthermore insisting at this time in taking over Russian territory, this Government believes a clear decision should be reached to send no foodstuffs to Finland.

LANSING

File No. 860d.48/98a

The Acting Secretary of State to the Minister in Sweden (Morris)

[Telegram]

WASHINGTON, July 12, 1918, 7 p. m.

936. Inform Finnish representatives that Doctor Ignatius, Food Commissioner of the Finnish Senate, has engaged passage and will sail from New York for Scandinavia the first week in August to return home unless instructed otherwise.

POLK

File No. 860d.48/19

*The Swedish Legation to the Department of State*¹

MEMORANDUM

The altogether inadequate crop of last year in Finland, together with political developments during last winter and spring, has created a very serious food situation in that country and there is now real danger at hand of actual starvation amongst its people if a considerable importation of bread-cereals cannot be obtained.

Prompted by a feeling of solidarity based on common historical traditions and similar geographical and physical conditions, the Governments of the three Scandinavian countries have felt themselves compelled to seriously consider the desperate situation now

¹ Similar notes of the same date were received from the Danish and Norwegian Legations. (File Nos. 860d.48/20, 21.)

prevailing with regard to the principal food sources for the Finnish people, and at the meeting of the Premiers and Ministers of Foreign Affairs of Sweden, Norway, and Denmark, which recently took place in Copenhagen, the question was taken up for discussion concerning what could be done on the part of the Scandinavian countries in order to bring relief in the serious distress now suffered by the Finnish people.

During these discussions it became evident that on account of the constantly increasing scarcity of foodstuffs in the Scandinavian countries any direct help in the way of export of cereals from them to Finland was practically excluded, but on the other hand, upon a proposal submitted by the Finnish Government itself, the advisability was taken under consideration whether a common appeal could not be addressed to the Governments of the United States and Great Britain with a view of possibly effecting an importation into Finland of so much of breadstuffs as to prevent actual starvation which is now menacing the whole country.

According to information recently received from Finland, the quantity of breadstuffs immediately needed amounts to 8,000 tons.

In the event that the American and British Governments would favorably consider such an appeal, the Governments of Sweden, Norway, and Denmark are prepared to, if such should be desired, in an effective manner which could be especially arranged and agreed upon, control the distribution of the cereals thus granted so as to ensure that they would be used exclusively for the benefit of the Finnish population.

The Finnish Government has for its own part declared itself willing to accept such a control. Guarantee that such a system of control would be accepted and respected on the part of Germany can also be obtained.

The three Scandinavian Governments feel confident that in view of the humanitarian nature of the proposed steps and in harmony with the high principles for which it has always made itself a champion, the Government of the United States will favorably consider the above proposal.

WASHINGTON, August 8, 1918.

File No. 860d.48/24a

The Acting Secretary of State to the Ambassador in Great Britain
(Page)

[Telegram]

WASHINGTON, August 10, 1918, 5 p. m.

717. Department has received representations from Norwegian, Swedish, and Danish Legations in Washington, presented through

Swedish Minister, to import into Finland 8,000 tons breadstuffs necessary to avoid actual starvation menacing that country. Referring Department's 78, July 6, 7 p. m., this Government does not believe that aid can be given Finland while German military forces remain in that country and make Finnish territory a base for operations against Russia and the Allied forces now at Murmansk and Archangel engaged in assisting Russia to safeguard Russian supplies and Russian interests from German aggression. Furthermore the Department is informed that Finnish troops are cooperating with Germany in these operations.

Before we make any reply to the Swedish Minister, please present these views to the Foreign Office and ascertain its attitude. The proposal of the Swedish Minister would seem to contemplate joint action by Great Britain and the United States.

POLK

File No. 860d.48/99

The British Chargé (Barclay) to the Secretary of State

No. 910

WASHINGTON, August 15, 1918.

MY DEAR MR. SECRETARY: I have the honour to inform you, by instruction of Mr. Balfour, that he has received a visit from the three Scandinavian Ministers in London to ask, on instructions from their Governments, whether His Majesty's Government would be prepared to facilitate the entry into Finland of a minimum quantity of 8,000 tons of grain, to meet the Finnish needs.

Mr. Balfour proposes to reply that the requirements of the Allies in respect of both food and tonnage would in any case have made it difficult for His Majesty's Government to accede to this request; that they would, however, have been anxious to do everything in their power to relieve the distress in Finland, but that so long as Finland is in the occupation of German military forces, which are constantly increasing, and so long as the Finnish Government is entirely under German influence, it is impossible for His Majesty's Government to agree to send food to a country which may, for any guarantee we have to the contrary, be used as a base for enemy operations against the Allies.

His Majesty's Government understand that similar representations have been made to the United States Government, and they would be glad to learn whether they concur in the above reply.

Believe me [etc.]

COLVILLE BARCLAY

File No. 860d.48/19

*The Department of State to the Swedish Legation*¹

MEMORANDUM

The memorandum dated August 8, 1918, handed to the Department of State by the Swedish Minister, stated that owing to the serious food situation in Finland, the three Scandinavian countries have felt themselves compelled to address the Governments of the United States and Great Britain with a view of possibly effecting an importation into Finland of about 8,000 tons of breadstuffs which are immediately needed there, and that in the event that the American and British Governments would favorably consider such an appeal, the Governments of Sweden, Norway and Denmark are prepared, if such should be desired, to control the distribution of the cereals thus granted so as to insure that they would be used exclusively for the benefit of the Finnish population.

The United States Government, fully appreciating the humanitarian nature of the proposed steps, feels compelled to reply that the requirements of the Allies in respect to both food and tonnage would in any case have made it difficult for the United States to accede to this request, however anxious to do everything in its power to relieve the distress in Finland. As long as Finland continues to be occupied by German military forces, which are constantly increasing in numbers, and while the Finnish Government is entirely under German influence, it is impossible for the United States Government to send food to a country which may, regardless of guarantees to the contrary, be used as a base for enemy operations against the Allies.

WASHINGTON, August 17, 1918.

File No. 860d.48/24

The French Ambassador (Jusserand) to the Secretary of State

[Translation]

WASHINGTON, August 29, 1918.

[Received August 31.]

MR. SECRETARY OF STATE: AS I had the honor to tell Your Excellency in our conversation yesterday, the Allied consuls at Helsingfors have submitted to their respective Governments a proposition to cause a note to be published in the Scandinavian press showing that the Entente Powers, harboring no hostile sentiment toward Finland,

¹ The same, *mutatis mutandis*, on the same date, to the Danish and Norwegian Legations.

are ready to supply the northeastern districts of the country with food on the condition that they be evacuated by the Germans.¹ In this way the revictualing would spread to all parts relinquished by the Germans.

On receipt of that proposition forwarded to it by the Minister of France at Stockholm, my Government replied that it could not be accepted in that form, that the position of the Allies on that question had been clearly stated in the note handed to M. de Gripenberg and that it is deemed expedient to adhere to the terms of that note which places the following conditions on the revictualing of Finland: termination of the treaty concluded by that country with Germany in evident violation of its neutrality; a guarantee that the imported foodstuffs will be for the exclusive use of the Finnish population; a pledge not to tolerate any attempt upon the Russian adjoining provinces. As viewed by my Government, the partial revictualing proposed by the consuls would make it possible for the Germans momentarily to withdraw from certain parts to which they would return afterward.

Furthermore, it is of the highest importance to bring into Finland a conviction that Germany's defeat is assured and thus change its state of mind. Firmness on the part of the Allies may go far toward establishing that needed conviction.

I was glad to report to my Government, on the strength of the oral remarks made to me on the subject by Your Excellency, that the American Government's views of the question were on the whole like its own.

Be pleased to accept [etc.]

JUSSERAND

File No. 860d.48/24

The Secretary of State to the French Ambassador (Jusserand)

No. 2239

WASHINGTON, September 20, 1918.

EXCELLENCY: I have the honor to refer to your note of August 29, 1918, in regard to furnishing food supplies to Finland, and beg to inform you that after considering this question again, the United States does not see its way clear to modify its original decision that, quite aside from the difficulty of securing necessary tonnage space, it does not seem either practicable or advisable to assist the Finnish population with food supplies as long as the existing authorities are so strongly influenced by Germany or while they permit Finnish territory to serve as a base of operation for German troops in military undertakings against the Allies.

¹ See telegram of Aug. 21, 1918, from the Consul at Helsingfors, and Department's reply of Aug. 28, *Foreign Relations, 1918, Russia*, vol. II, pp. 806 and 808, respectively.

The views of this Government have been communicated to the British Government and an answer in the same sense has been given to the Swedish Minister, in response to a memorandum which he submitted on this subject under date of August 8, 1918. I am pleased to note that this decision would seem to accord with that of your Government.

Accept [etc.]

ROBERT LANSING

File No. 860d.48/107

The Chargé in Sweden (Whitehouse) to the Secretary of State

[Telegram]

STOCKHOLM, October 9, 1918, 6 p. m.

[Received October 10, 7.34 a. m.]

2970. Am reliably informed that there is great nervousness in Finland as to the possible consequences of the present withdrawal of the German troops from that country, since it is feared that the Finnish Reds with the aid of the Bolsheviks will attempt to start another social revolution, and this nervousness is increased by doubts as to our attitude, due apparently to the presence at Archangel of certain prominent leaders of the Finnish Bolsheviks.

I think the Finnish people should not be considered as definitely on the German side; public opinion has been turning away from the Germans on account of their exactions, and this is an opportune moment to win them over to our side, which would also presumably facilitate the task of the forces at Archangel.

Under the circumstances and considering it as part of our fight against Bolshevism, I respectfully urge that 5,000 tons of the Finnish cereals in the United States be allowed to come forward to Haparanda via Narvik, consigned to this Legation.

I feel sure that if we could give some promise of support against a Bolshevik attack and quiet the population by sending some food we could count on their cooperation and regain our influence in Finland.

The British Chargé d'Affaires agrees with the above and wrote his Government October 8 in a similar sense.

WHITEHOUSE

File No. 860d.48/107

The Acting Secretary of State to the Chargé in Sweden (Whitehouse)

[Telegram]

WASHINGTON, October 11, 1918, 6 p. m.

1203. Your 2970, October 9, 6 p. m. Same report from Naval Attaché, Stockholm. Department believes these reports should be taken with caution. Some agency, presumably the German Govern-

ment, is filling neutral countries with rumors that Finland is being evacuated, Kaiser has abdicated, etc. Not unlikely part of a definite policy to make the Allies slow up and to dull enthusiasm for the Liberty Loan.

Please investigate further how far evacuation of Finland by German troops is a fact. Your report tallies with other information tending to show that Germans are withdrawing troops from the east for concentration on the west. This Government's attitude regarding food supply unchanged until new facts are established.

POLK

File No. 860d.48/160a

The Secretary of State to the Commercial Adviser of the British Embassy (Crawford)

WASHINGTON, November 16, 1918.

MY DEAR SIR RICHARD: I have referred the Foreign Office telegram of October 28, 1918,¹ which you handed me, to the War Trade Board and find that the Board approves the sending of 5,000 tons of flour to Finland, provided Scandinavian tonnage can be secured. This Government believes, however, that however small any initial shipment of food supplies to Finland may be, we should be prepared to follow it with a steady flow of materials, which will demonstrate that what we do to feed the Finnish population is not a mere matter of temporary expediency.

I shall be glad to know how your Government views this matter and hope we may reach a decision with as little delay as possible. Our view is that the withdrawal of the German troops removes the last obstacle to organizing definite measures to feed the Finnish population regardless of party, as a definite and not temporary undertaking which it may prove possible later to extend into northern Russia, as soon as that can be done without committing ourselves to the Bolshevik authorities.

I am [etc.]

For the Secretary of State:

FRANK L. POLK

Counselor

SERBIAN RELIEF

File No. 872.51/23

The Serbian Minister (Michailovitch) to the Assistant Secretary of State (Phillips)

WASHINGTON, May 8, 1917.

DEAR MR. PHILLIPS: In connection with our conversation of yesterday I beg to send you the enclosed memorandum, compiled from

¹ Not printed.

my previous *pro memorias* of April 17 and 30.¹ This memorandum points out more clearly the reasons for which Serbia is hopeful of United States' support. The second copy is for Mr. McAdoo, Secretary of the Treasury.

I am convinced that a favourable solution of the Serbian question would have the greatest effect on the whole of the Slav race and especially on Russia in this fateful moment. I think that United States should not fail to produce this favourable effect which would undoubtedly have good moral and political influence on the coming events.

I therefore beg of you to use all your influence in order to contribute to the success of this worthy cause.

Yours very sincerely,

L. MICHAÏLOVITCH

[Enclosure]

The Serbian Legation to the Department of State

The great United States of America, in entering the war declared that they stand ready to offer assistance to those who fight against the conquering designs of the Central Powers, to insure with their cooperation the victory for the principles of justice and equality, and to assure the existence and the rights of small peoples. This assistance, therefore, is to be financial, military and political. Balkan, and its Serbian question, deserve in that regard a special attention of the United States. The Serbo-Croatian and Slovenian race, the greater part of which was until now under the despotic domination of the Austro-Hungarian Monarchy, desires to be united and to create its own state, together with the autonomous kingdoms of Serbia and Montenegro. The efforts of this race manifested themselves in a political movement among the Southern Slavs in the Habsburg Monarchy, and this movement was one of the causes of this great war.

The principle of nationality, and especially the principle of the rights of small peoples, brought out the question of the very existence of the Austro-Hungarian Monarchy, which represents the dynastical interests of the Habsburg House.

The solution of the Serbian question will be one of the main problems at the future peace conferences, because of the existence of an independent Serbian state, with which the whole Serbo-Croatian and Slovenian race, now under the Habsburg Dynasty, demands to be united. The United States of America will naturally participate in the solution of this question; its great democratic principles, demanding a complete and free development of individuals, same as racial groups, must assure the liberation of small peoples. The

¹ *Pro memorias* not printed.

Serbian people expect its liberation from that participation, and hope to receive help which will enable them to recover quickly from the terrible consequence of this long and barbaric war.

The noble expressions of President Wilson, therefore, were greeted with the greatest enthusiasm by the Serbo-Croatian and Slovenian race, by the free parts of our people, same as by those who are still under enemy's domination. These expressions have recently caused great hostile outbursts of feeling in the Croatian Diet in Agram, notwithstanding the oppression of the Austrian military régime.

Serbia's sacrifices, which she endured during the first two Balkanic wars of 1912 and 1913, are well known; this third war, so savagely provoked by Austria-Hungary, which is continuing for almost three years, brought destruction to the land and to the people. It is not exaggeration to assert, that Serbia lost more than a million people. Her enemies systematically destroy her people, using all means and all ways. Villages and cities are ruined, the land devastated, the live stock carried away, the industrial establishments looted. Serbia is to-day like a desert. The peace will bring liberty but no welfare, because there will remain another enemy: poverty and destitution. The salvation of the Serbian people depends upon the quick assistance which will be offered to them immediately when peace is concluded. This assistance should be prepared now. It can be given by the United States in the form of a loan and a credit, upon the same basis as will be given to France and England. Just a very small part of the great loan of three billion dollars would assure the future of a nation, whose lands will soon become a rich source of all kinds of products. A loan or credit of a hundred million dollars is the first help, for the reconstruction of the destroyed firesides, for the quick acquirement of agricultural implements and live stock, for the obtaining of food for a people in order to save them from perishing and to prepare them for a life of progress and civilisation. This noble and humane aid can be undertaken to-day by the United States only and they would thereby gain the appreciation and gratitude of the whole Serbo-Croatian-Slovenian race.

The United States when entering upon the war decided to do everything to hasten its end and therefore—first of all—helped the Entente Allies financially. England, France and Italy received loans and a promise of future financial support. Serbia also is fighting with the Allies on the Salonica front. The Serbian Army, Government and Administration are kept up by the Allies, by their war credits, but now-a-days the war credits comprise more than merely the military expenses. All belligerent powers are obliged, at the same time, to support the families of the fallen warriors, invalids and their families, the population of the provinces devastated by the war, the prisoners of war and those interned in the enemy countries, as well as those who fled from the provinces invaded by the foe. All

these expenditures form the war burden in the same way as the equipment of the army, or the providing of arms and ammunitions. For securing the victory it is as important to make sure of the morale of the warriors, of the sentiments of their families and in general of the population as it is to provide good guns and plentiful ammunition. The morale side of the question is perhaps to-day the more important one.

In this respect Serbia has been left almost entirely to the care of good people and relief societies, which is absolutely insufficient. Whereas in France, in England and Italy the generosity of United States has encouraged greatly the morale of the people, the Serbian soldiers are wondering who is going to take care of their families, and the people who remained in the invaded Serbia are losing faith in their future. On the other hand, the Serbian Army and people must continue to fight and to sacrifice—and, to be enabled to do so, they should be supported.

The Serbian people hope (1) that the United States will offer Serbia help in the same way as to the Allied Powers, in granting her at once a small loan for the said purpose. The way in which the help would be sent to the people in the invaded provinces, to the prisoners of war and interned, and the distribution of same, is a less important technical question that would be easily solved by the Governments of the United States, Serbia and Allies; (2) that this great and generous Republic will help the rebuilding of devastated Serbia.

The Serbian people hope that United States will help them and believe that their benefactor will find moral and political reasons to do so—which could be important in the near future, and for which action it is now the best moment. The Slav element in Russia, the Balkans and in both Americas would greet with enthusiasm such a noble action of United States, and their relatively small effort would have a great effect on a whole race.

To insure opportunity to a small people to develop in freedom, is a doctrine of the present-day democracies, and to assist them in joining soon the ranks of civilised peoples, is a noble and humane effort which could now be assumed only by the great Republic of the United States.

File No. 872.51/25

*The Serbian Minister (Michaïlovitch) to the Secretary of State*¹

No. 270

WASHINGTON, *May 19, 1917.*

[*Received May 21.*]

EXCELLENCY: In connection with my previous memorandum and duly authorized by my Government I have the honour to submit

¹ Copy transmitted to the Secretary of the Treasury on May 22.

to Your Excellency this memorandum which I trust will receive favourable consideration. It is relative to the needs of the Serbian Government and Army for which the Serbian Government hope they will receive financial support similar to the help extended to our allies, England, France, Italy and Belgium.

England and France as allies of Serbia are giving whole-hearted support for the maintenance of the Serbian Army at the front as well as for the other needs of Serbian Government. It is owing to their energy and generosity that the Serbian Army is actually able to continue to fight for the liberation of Serbia and that the Serbian Government is enabled to work on as the representative of the Serbian people. But England and France, besides their own enormous expenditures, are helping Russia, Italy, Rumania, Belgium and Portugal, and therefore are unable to meet some of the Serbian war needs.

1. The Serbian Headquarters on the Salonica front made out a list of all railroad requisites: machines, wagons, other materials necessary to the quick and regular communications there, but up to now it has been impossible to obtain this material in Europe, which is handicapping the military operations. The money needed for these supplies is calculated at \$4,000,000.

2. Notwithstanding the good will of the English and French authorities there is a great lack of technical requisites and tools necessary for the construction and keeping up of roads, hospitals, sanitary and other materials.

3. The enemy have ruined Serbia's territory. In their present retreat they are demolishing everything, taking away all food and live stock and deporting all men fit for work. It is necessary to supply the Serbian population in these regions with food, clothes, medicines as well as seeds and agricultural implements. The Serbian Government should have all these in stock at Salonica in order to be able, following the progress of our Army, to supply the population with them and to facilitate the further military operations.

4. The Serbian Government has no means of extending help: to the military invalids and maimed soldiers in the country, or abroad, to the families of the only sons who were supporting their families and are always on the front, as well as to the prisoners and those interned in the enemy countries. The Serbian people who are remaining in the invaded territory are in a desperate condition, especially those under Bulgarian occupation because the Bulgarian Government refuses to allow any help on behalf of the Serbian Government to be sent to the hungry population.

If the United States Government could send some help to all these distressed populations they would render the greatest help

to a small people that is being systematically annihilated by its enemies.

These are the needs which should be met besides the regular help already given, in order to preserve the health and the morale of the Serbian Army up to the time of the final victory over the enemy, and such aid can be obtained only from the United States.

The Serbian Government is of the opinion that the most urgent needs could be met if a modest credit of \$1,000,000 monthly were extended them to be forwarded every three months in advance. From this sum all necessary expenses could be met. After the exhaustion of this credit the Serbian Government would present an account of the expenditures.

In terminating this memorandum I beg to inform Your Excellency that the news of your Government's taking into favourable consideration my previous memorandum of this subject has strengthened the Serbian people's hope in a better future, and they believe this friendly solicitude of the great Republic to be a guaranty for its existence and progress.

While the Serbian Army is actually fighting in a desperate way against the common enemy, the Serbian people are looking with much concern into the near future, when after the victory, they will go back to their devastated homes where the enemy have destroyed everything that they could. After the victory there will begin the work of the restoration of the Serbian territories and the Serbian Government is already turning its looks toward the United States in order to obtain help for that work. The Serbian people hope that the redeemed liberty and the union of the Serbian race will be achieved with the help of the free and mighty Republic of the United States which will soon repair all the frightfulness of the present war and help it to join the ranks of democratic and progressive countries.

I avail myself [etc.]

L. MICHAÏLOVITCH

File No. 872.51/29

The Assistant Secretary of the Treasury (Crosby) to the Secretary of State

WASHINGTON, June 11, 1917.

[Received June 13.]

MY DEAR MR. SECRETARY: In the absence of McAdoo, I have the honor to send to you, for your information, the inclosed copies of correspondence between the Serbian Minister and this Department, on the subject of a loan to the Serbian Government.

Holding myself entirely at your convenience to furnish you any additional information which you may desire on this matter, I am [etc.]

OSCAR T. CROSBY

[Enclosure 1]

The Serbian Minister (Michailovitch) to the Secretary of the Treasury (McAdoo)

No. 296

WASHINGTON, June 1, 1917.

SIR: Following my communication to you dated May 19, I beg to present to you now, as the result of conversations had meanwhile, the following request, with explanatory remarks:

The powers given me by my Government for representing it in the negotiations with you are satisfactory, and extend not only to the signing of obligations for my Government, but also to the subsequent expenditures of moneys that may be advanced by you against such obligations.

Concerning such expenditures, I understand that the following conditions are to be observed:

1. All requisitions for supplies for my Government purchasable from the funds that you may lend are to be first presented to an international commission now in course of being established through the cooperation of your Government with others in London or Paris. Such commission will, as I understand the matter, study the needs and priorities of requisitions of various European Governments now at war with Germany, and will, through proper channels, report to your Government its views upon these needs and priorities to the end that as far as possible the American market may not be disturbed by competitive bidding for materials, either as to prices or as to delivery.

Should there be delay for any cause in the establishment of such international commission, and should there be meanwhile acute need on the part of my Government for any supplies which it might desire to purchase from funds advanced by you, I trust that it would not be found inconvenient if such needs should be presented directly to you. I may suggest that in case you desire to have information concerning the merits of such propositions that your own military attachés in Europe, or your diplomatic representatives, might doubtless inquire into the question and report to you thereon.

2. In respect to the expenditure of any sums for aiding the distressed people who are now in the territory occupied by the Serbian Army, I understand that funds will be disbursable for this purpose only after the establishment by my Government of a satisfactory organization for the distribution of any such supplies, due account being taken of the actual need for giving such relief.

3. In respect to possible expenditures for the civil population or prisoners in Serbian territory now under control of the

enemy, I understand that before such expenditures can be made there must be established a capable organization acceptable to you which will be permitted to make the distributions in Serbian territory.

4. In respect to all of the different classes of supplies which may be desired by my Government, I further understand that before they are purchasable from the funds that may be advanced by you, assurance must be obtained, either through our own efforts or the kind assistance of your Government or other governments associated with us in war against Germany, of sufficient transport across the sea, and of railway facilities from the port or ports to which such goods may be delivered to the Serbian territory now under the control of my Government.

5. I further understand that all purchases made from funds that may be advanced as the result of this negotiation shall be vised by such purchasing agency as may be established in the United States to make or supervise the purchases of foreign governments that may be buying in American markets. I cannot doubt that the regulations which may be indicated by you in respect to this matter will be entirely satisfactory to my Government.

The statements above made of the conditions surrounding the uses of money that may be advanced to my Government indicate clearly enough that there could not be an immediate expenditure from such credit as might thus be established. It remains, however, extremely desirable that a credit should be at once granted, since having that as a foundation to work upon my Government will of course exercise the most constant industry in order to fulfill the conditions above stated and receive the benefit in carrying on the existing war which the credit would thus give it. It is fully understood that no expenditures can be made from the funds which may thus be allocated by you except those which would tend to strengthen the total fighting forces engaged against the enemy.

As to the amount of the credit which my Government asks you to establish in its favour, I beg now to repeat the figure mentioned in my communication of May 19, namely, the sum of \$1,000,000 per month during the war and Serbia's participation in it. This monthly credit of \$1,000,000 should be paid out in advance credits of three months. As the needs of my country may develop, I shall take the liberty of placing in your hands a further exposition of those needs and a further request, if it should seem necessary for our common success in the great war which now unites us.

I understand that my Government is to place in your hands its obligations for such amount as may be lent to it, of tenor similar to the obligations which your Government makes to its public in the issue of bonds under the authority of an act of Congress approved April 24, 1917. I am familiar with the requirements of that act, and understand that if any funds should be advanced before your

Government is ready to state the exact conditions which should be specified in the long-term obligations of my Government, that I shall cover any such advances by short-term obligations, which in turn shall be redeemed and merged into the proper long-term obligations contemplated by the act in question.

I avail myself [etc.]

L. MICHAÏLOVITCH

[Enclosure 2]

The Assistant Secretary of the Treasury (Crosby) to the Serbian Minister (Michaïlovitch)

WASHINGTON, June 7, 1917.

SIR: I have the honor to state, in answer to your communication of June 1, 1917, addressed to the Secretary of the Treasury, that the said communication was considered by Mr. McAdoo before his recent departure from Washington, and in his absence I am authorized to make known to you that a credit of \$3,000,000, available from the 15th of June in monthly installments of \$1,000,000 each, will be established in favor of your Government under the conditions set forth in your communication, and with the following further understandings, namely:

(1) That the necessary munitions of war, including all direct supplies to your Army, are being supplied to your Government by your European allies, chiefly the Governments of Great Britain and France, and that therefore the credit now being established in favor of your Government will not be charged for those materials and moneys which are now being supplied to you by the above-mentioned Governments.

(2) That any expenditures for the relief of your civil population shall be made with due regard for the best possible military effect, and only during the period when your Government shall be largely deprived of the control of its own territory, which condition now, according to information received from you, leaves your Government substantially without any revenues with which to defray its civil and military expenses.

(3) That any expenditures which may be desired to be made for the relief of your civil population in Serbian territory occupied by the enemy shall be so expended only after arrangements concerning the distribution of the provisions that may thus be desired to be purchased shall have been approved by the Allied Governments engaged in war against Germany.

I need not hesitate to repeat to you the assurances which were made personally to you by Secretary McAdoo of his sympathy with your country by reason of the disasters which have befallen it, and

of his desire to be of such service to your Government as may be compatible with the proper exercise of his discretion under the act of Congress approved April 24, 1917, relating to the making of loans to foreign governments. The objective of this statute, as is known to you, is the obtainment of victory in the war in which your country and ours are now associated. If, in the future and after the expenditure of the credit hereby established, it should unhappily befall that your country should still be in need of financial assistance, I have no doubt, from the expressions given to you in your interview with Secretary McAdoo that he will give the most earnest consideration to representations made by your Government concerning the needs it may then have, in addition to those which are met by the present loan.

I am [etc.]

OSCAR T. CROSBY

File No. 872.51/33

*The Acting Secretary of State to the Special Agent in Corfu.
(Dodge)*

[Telegram]

WASHINGTON, August 4, 1917.

From Secretary of the Treasury:

The proceeds, in francs, of \$1,000,000 lent to the Serbian Government here is to be transferred by the Serbian Minister to Paris, where it is to be made available to the Serbian Government as follows: A portion of this sum is to be expended by the Dutch or Swiss Red Cross organizations, under the direction of the Serbian Red Cross, for the relief of Serbian subjects either interned in enemy territory or held as prisoners of war in Serbian territory now occupied by the enemy. The remainder of the \$1,000,000 referred to is to be placed at the disposal of the Serbian Government for the relief of Serbian soldiers and their families who may be in portions of Serbia still under the control of that Government.

The Secretary of the Treasury requests that you confer with the Serbian Government as to these latter expenditures and visé the accounts rendered by them.

In addition to these funds, the American Red Cross will receive certain funds from the Government of the United States, to be added to their own allocations for relief in Serbia, and will administer these combined funds. We will ask them also to confer with you so that you may have a general knowledge of all these operations.

POLK

File No. 872.51/34

*The Special Agent in Corfu (Dodge) to the Secretary of State*¹

[Telegram]

CORFU, August 9, 1917, 2 p. m.

[Received August 11, 10.10 a. m.]

Your 4th communicated to Minister for Foreign Affairs who wishes to know whether the entire \$1,000,000 mentioned could not be made available to the Servian Government as follows: A portion at their discretion to be expended by the Dutch or preferably Swiss Red Cross under the direction Servian Red Cross, the latter being better situated geographically for the relief of Servian prisoners of war and interned civilians held in enemy territory or in Servian territory occupied by the enemy, the remainder to be at the disposal of Servian Government for the relief, wherever they may be found, (1) of families of soldiers, (2) of needy persons of the liberal professions and their families, and (3) of war invalids and their families, persons of these three categories having the greatest need of relief. Minister for Foreign Affairs believes one million dollars is sufficient when distributing organizations complete to furnish this relief during approximately two months. Unless before then further funds for the same purpose can be advanced, he would prefer that the other million dollars to be advanced for purchase of material, according to telegram received from the Servian Minister at Washington, also should be made available wholly for relief of same categories as first million. No need for soldiers as they are supported by British and French Governments. Minister for Foreign Affairs states that need of funds is immediate and that he desires to conform entirely to the view of the United States regarding their expenditure. He will gladly confer with me regarding expenditure, sending me accounts for visa. I shall be very glad to be kept informed regarding relief in Servia of American Red Cross. Recent reports received by the Servian Government show very bad situation of Servian prisoners and interned.

DODGE

File No. 872.51/37

The Secretary of State to the Special Agent in Corfu (Dodge)

[Telegram]

WASHINGTON, August 23, 1917.

Your August 9. Following from Secretary of the Treasury for your further information:

¹ Copy transmitted to the Secretary of the Treasury on Aug. 14.

A credit of \$3,000,000 has been established in favor of Serbian Government to be made available upon fulfillment by it of certain conditions with respect to its disbursement and to cover a period of approximately three months. One million dollars of this amount, which has been advanced and which is the sum referred to in our previous despatches, is for relief purposes, the exact details of which the Treasury is quite willing to leave to Serbian Government with your cooperation and visé, the American Minister at Berne cooperating in a similar manner as to that portion to be expended in territory occupied by enemy, through Switzerland. The second \$1,000,000 is to be made available for purchase of food and sanitary materials by American Red Cross to be distributed by American, Serbian, and Swiss Red Cross for relief of interned Serbians and Serbian prisoners of war. The third \$1,000,000 will be advanced for purchase of telegraphic and railway materials when details for these needs shall have been laid before the Department. This despatch has been communicated to Serbian Minister here.

LANSING

File No. 763.72114/3056

The Serbian Minister (Michaïlovitch) to the Secretary of State

No. 1005

WASHINGTON, November 21, 1917.

EXCELLENCY: On account of the grave situation of the Serbian prisoners of war in enemy countries, owing to the inability of the Serbian Government to give them sufficient aid and help whilst the other Allied Governments furnished their own prisoners with all necessities, the Serbian Government had contemplated offering the enemy to exchange sound prisoners, perhaps with the provision that they be interned, deeming this the only alternative to save the Serbian prisoners from continual starvation. The Serbian Government would, in this regard, assume a great responsibility before the Parliament, should it not make every endeavour to equalise the situation of the Serbian prisoners with that of the prisoners of the other Allies. Up to the present day, Serbia has lost in the war one-fourth of her entire population, and therefore, her greatest care lies in the preservation of every one of her citizens.

The British Government, in an exchange of views regarding this question with the Serbian Government, suggested that it would be best if the American Red Cross would assume the whole care of the Serbian prisoners through its organisations, and communicated this plan to the Ambassador of the United States in London.

The Serbian Government would gladly agree to, and highly appreciate it, if the United States Government would approve that the American Red Cross take completely into its own hands the provisioning of the Serbian prisoners in Germany, Austria-Hungary and Bulgaria, so that, in this respect, they may be placed on an even basis with the prisoners of our allies. Of course, the monetary means necessary for this purpose would be placed at the organisation's disposal by the Serbian Government.

In communicating the above to you, I have the honour to beg that you give this matter your favourable consideration, and that you use your influence that the Government of the United States decide it in a satisfactory manner.

I beg to renew [etc.]

L. MICHAÏLOVITCH

File No. 763.72114/3056

The Secretary of State to the Serbian Minister (Michaïlovitch)

No. 65

WASHINGTON, November 30, 1917.

SIR: I have the honor to acknowledge receipt of your note of November 21, 1917, concerning the amelioration of the condition of Serbian prisoners of war in Germany, Austria-Hungary, and Bulgaria, copy of which has been sent to the American National Red Cross for its consideration. You therein state that the Serbian Government has contemplated offering the enemy an exchange of sound prisoners, perhaps with the provision that they be interned, deeming this the only alternative to save the Serbian prisoners from continual starvation. You state further that your Government would highly appreciate it if the United States Government would approve the proposal that the American Red Cross take completely into its hands the provisioning of Serbian prisoners in the countries mentioned above.

With regard to the contemplated exchange of sound prisoners of war by the Serbian Government and its enemies, I have the honor to inform you that this Government, in principle, cannot view with approval any augmentation of the enemy forces which such an exchange would effect. With regard, however, to the request that the American Red Cross entirely provision Serbian prisoners in enemy countries, I beg to state that the Red Cross, as well as this Government, is most sympathetic to the proposal and I may assure you that if practical details can be solved the request of your Government will have my support.

Accept [etc.]

ROBERT LANSING

File No. 872.51/53

The Secretary of State to the Ambassador in France (Sharp)

[Telegram]

WASHINGTON, November 30, 1917.

2880. For Crosby¹ [from Leffingwell²]:

Treasury No. 13. The British Ambassador at Washington has made the following communication to the State Department:

The British Government is informed that the United States authorities have supplied to the Serbian Government the sum of \$1,000,000 to be specially employed for the relief of the following categories of Serbians in Serbia and enemy countries:

- (a) War invalids—i. e., incapacitated by wounds or illness—and their families;
- (b) Indigent families of mobilized men;
- (c) Members of liberal professions, commercial men, artisans, etc., who are without any means of sustenance;
- (d) Persons interned.

It is understood that the American authorities are also considering the allocation of a further \$1,000,000 to be employed by the American Red Cross for the assistance of the Serbian prisoners of war and purchases of sanitary material.

The question of supplying relief on the above lines has been under consideration by the British authorities on various occasions during the past two years and the following information on the subject may be of interest to the United States Government at the present moment:

Payments to war invalids are, it is presumed, already included in the payments made by the Serbian Government to Serbian officers and men. The funds out of which these payments are made are supplied by the French and British Governments jointly. The payments (items *b*, *c*, and *d*) being made to persons in territory occupied by the enemy have not been agreed to hitherto by the British Government in spite of repeated applications by the Serbian Government, as there was no guarantee that the benefits of these payments would not accrue almost entirely to the enemy. It is possible, however, that certain payments for persons interned and for various indigent families and persons in occupied territory may have been made by the Serbian Relief Fund under guarantees as to the proper distribution of the supplies.

With regard to assistance to Serbian prisoners of war, arrangements are at present under discussion between the French and British Governments in which it has been contemplated that practically the whole cost for the relief to Serbian prisoners of war should be undertaken by those two Governments. These arrangements provide for

¹ Oscar T. Crosby; in Europe from November, 1917, as American delegate to the Inter-Allied Council on War Purchases and Finance.

² R. C. Leffingwell, Assistant Secretary of the Treasury.

the centralization of the whole work of relief under the auspices of the Serbian Relief Fund, and the estimates of the cost are being prepared on the basis of information supplied by that body and from other sources.

With regard to purchases of sanitary material it may be observed that as the whole of the requirements of the Serbian Government for all purposes are at present provided by the French and British Governments jointly, it is not clear to what this can refer unless it should be to purchases of material for use after the war. The British Treasury have been approached repeatedly by the Serbian Government with a view to purchases of sanitary and other material for after-the-war purposes, but they have always maintained that they are unable at the present time to provide funds for any other purpose than the prosecution of the war. They have, however, consented to the appointment of an interdepartmental committee to consider the conditions on which it might eventually be possible to agree to certain purchases for reconstruction purposes, but it had been intended to obtain the consent of the French and Russian Governments before any definite steps were taken.

In communicating the above facts the British Ambassador is instructed to state that the British Government will be glad to supply more detailed information in regard to the assistance given to the Serbian Government, should the Government of the United States so desire. At the same time it would be convenient if the British authorities could be furnished with further details of the policy of the United States Government in these matters in order that any necessary modifications may be made in the arrangements heretofore adopted. In particular the British Treasury would be grateful for information as to the financial aid which the United States Government may contemplate rendering (*a*) to Serbian subjects in occupied territory and (*b*) to the Serbian Government, during the war, for the purposes of reconstruction of Serbian territory after the war or when it may be liberated.

Please consult with representatives of French and British Governments and advise further as to loan of \$5,000,000 now asked by Serbia to be expended partly through American Red Cross. Leffingwell.

LANSING

File No. 763.72114/3086

The Serbian Minister (Michaïlovitch) to the Secretary of State

No. 1064

WASHINGTON, *December 7, 1917.*

[*Received December 10.*]

EXCELLENCY: I had the honor of receiving your note of November 30 last concerning the amelioration of the condition of Serbian prisoners in Germany, Austria and Bulgaria. The situation of the Serbian prisoners of war is desperate and is worse in all respects

than that of the prisoners of our allies. This fact has been noticed and has created discontent in the Serbian Army and among the Serbian free civilian citizens. The Serbian Government responsible to the Parliament is bound to find means to relieve that deplorable condition of the Serbian prisoners and interned ones, and having been unable to obtain that a similar treatment to the one extended to the Allied prisoners be meted out to the Serbian prisoners, it informed the Allied Governments that it would try to obtain the exchange of sound prisoners with the enemy on the condition that both prisoners be interned in a neutral state. Such an exchange of prisoners would not augment the enemy forces, a fact which had been taken into consideration before the Serbian Government made the above proposal to the Allied Governments. The intention of the Serbian Government was to do everything possible to save the Serbian prisoners of war from the unavoidable annihilation which threatened them if they were to remain under the actual conditions—but would never have done anything which would, in that respect, benefit the enemy.

In this endeavor and with the view of responsibility of the Serbian Government, it requested the United States Government, six months ago, to grant it a small loan which has been kindly done. According to the arrangement with the Treasury Department, part of this loan was to be expended through the American Red Cross for the supplying of the Serbian prisoners of war and interned ones; and another part of same through the Serbian Government with the collaboration of the Special Agent of the United States at Corfu for the betterment of conditions of Serbian soldiers, invalids and their families. The Serbian Government was very appreciative for the great help extended it, and believed that this question of the prisoners was definitely settled. But in spite of the best good will and readiness of the American Red Cross, during the first six months it succeeded in sending only one ship of less than 2,000 tons of food and clothing for them, and which to date has not reached Marseilles, and the commodities of which cannot be distributed to the prisoners before two or three months. Owing to winter and starvation there will again be many hundred victims among them.

In the meantime, the loan of \$3,000,000 has been exhausted, therefore I applied to the Treasury Department and requested a further small advance, lest the work of the American Red Cross and the Serbian Government be interrupted. Although our request was favourably received, a solution of this question could not be arrived at because of misunderstandings between the Allied chanceries which interfered. The American Red Cross has therefore been obliged to

stop all supplies, and even those which had already been purchased had to be stored in the magazines of the American Red Cross. I have the honor to enclose, herewith, copy of the American Red Cross's last letter¹ by which you may see what difficulties were in the way of this relatively easy affair being favourably solved in the interest of our prisoners.

This is the reason for which the Serbian Government had to take the initiative of proposing an exchange of the valid prisoners, but this had been given up as soon as it was proposed that the American Red Cross should take up the upkeep of the Serbian prisoners in enemy countries. I am happy that this proposal has been favourably considered by the United States Government, and that it will have your kind support.

I know of all the practical difficulties to be encountered to settle all the details of this affair, but I beg your leave to express my hope that these difficulties are not of such a nature that they may not be overcome. If the United States Government would decide to put at the disposal of the Serbian Government a monthly loan of \$1,000,000, and if a ship of about 5,000 tons be secured every month through the American Red Cross for the transport to Marseilles of the supplies purchased with this loan, the question of the relief of the Serbian prisoners of war and interned ones could be satisfactorily settled. I therefore beg to request that you would kindly use your influence towards this end.

I beg [etc.]

L. MICHAÏLOVITCH

File No. 872.51/55

The Delegate to the Inter-Allied Council (Crosby) to the Secretary of State

[Telegram]

PARIS, December 6, 1917.

[Received December 12, 1.25 p. m.]

No. 15. For Secretary of the Treasury:

Have seen Pashitch, Serbian Prime Minister. He tells me loans now being made by Great Britain and France cover in general same objects as those made by us but wholly insufficient. He alleges there has never been any difficulty in having material taken into occupied territory through Swiss Red Cross just as similar material taken into Belgium. However, recommend that action on loan be suspended until further discussion with British Government in London next week and presentation of matter to Inter-Allied Council which will then be organized.

CROSBY

¹ Not printed.

File No. 102.1/454b

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, December 14, 1917.

6039. For Crosby from Leffingwell:

Treasury No. 26. So far as Serbian prisoners' relief is concerned, messages seemed to have crossed each other and confusion resulted from fact that impression existed that American Red Cross proposed to assume entire charge and entire expense for Serbian prisoners of war. In fact American Red Cross is merely ready to assume charge provided funds are supplied by Serbian Government. British and French seem to have been ready to provide funds alone in accordance with memorandum cabled you, Treasury No. 13, but apparently are now prepared to turn over whole matter to American Red Cross, and in that case will regard themselves as relieved of all financial responsibility. Do not see why they should not participate with United States Government in financial support necessary to maintain Serbian prisoners' relief, whatever may be instrument of extending that relief. Cooperation of British and French Governments is necessary to assure supplies getting forward to their destination, and it is believed that best interests of Serbia as well as reasons of general policy require that this, like other similar matters, should be handled by the three together. Much impressed by distressing reports as to condition of Serbian prisoners and by fact that none of supplies forwarded by American Red Cross appear yet to have reached them. Hope you can agree with British and French on prompt measures assuring joint support in money, ships, railroad transportation, and possibly supplies.

LANSING

File No. 102.1/459

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram—Extract]

LONDON, December 20, 1917.

[Received December 21, 4.48 a. m.]

For Secretary of the Treasury from Crosby:

No. 23. Serbian situation. British, French Governments made appropriations April last 800,000 francs for aid to Serbian prisoners in occupied territory but never agreed upon details, hence no expenditures whatever have been made on that account. Lord Robert Cecil¹ admits propriety of sending in supplies for prisoners but opposes any help to civil population in spite of accredited reports of great distress, this based on fact that no engagement obtained from Austrian Government not to requisition foodstuffs from Serbian

¹ British Minister of Blockade.

prisoners as is case in Belgium. Small quantities of food and clothing find their way in through Serbian Relief Committee of London and Swiss and Dutch Red Cross organizations. Swiss Government recently proposed to British and French to guarantee delivery of foodstuffs to indigent persons in occupied territory, believing this measure could not be of benefit to enemy; Lord Robert still in opposition. My own opinion is help to enemy so slight that humanitarian reasons should control if assistance restricted to families actually found in distress instead of making general distribution through sale as well as charity as in Belgium. Serbian Minister much discouraged by British attitude. Would like to be authorized to support proposition of Swiss Government; think if this be done much dire distress in Belgrade and other Serbian cities may be remedied at small cost; however, the large assistance now being given by British and French to Serbian Government justifies their control of general treatment. They now supply munitions, clothing, food to 144,000 Serbian troops and give besides 13,000,000 francs monthly for civil establishment and interest charged. Eight thousand sacks flour from our supplies now about to reach Serbia for relief of prisoners; recommend continuation advance of \$1,000,000 monthly with restriction as to use of any part in favor of civil population in occupied territory. Pending future negotiation with British their opposition to introduction foodstuffs above noted not affected by question of nationality of Red Cross used as instrumentality of distribution; may be able to dislodge 800,000 francs above mentioned, deposited April last and not yet used. . . .

PAGE

File No. 872.51/73a

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, December 22, 1917, 3.31 a. m.

6102. For Crosby from Leffingwell:

Treasury No. 35. Pending receipt of advice from you concerning larger demands of Serbian Government, credit has been established of \$1,000,000 to be advanced by Serbia to American Red Cross for supplies for Serbian prisoners' relief.

LANSING

File No. 763.72114/3086

The Secretary of State to the Serbian Minister (Michailovitch)

No. 66

WASHINGTON, December 29, 1917.

SIR: I have the honor to acknowledge the receipt of your note No. 1064 of December 7, 1917, with enclosure, relative to the relief of Serbian war prisoners in Germany, Austria, and Bulgaria, and have

noted your suggestions concerning the desirability of further assistance from this Government.

In reply I beg to advise you that the matter has been brought to the attention of the Secretary of the Treasury, the American Red Cross, the Food Administration and the War Trade Board, and that the Department is giving its active support to your request that food-stuffs may be purchased and shipped from the United States at regular intervals for the provisioning of all Serbian prisoners of war in Germany, Austria-Hungary and Bulgaria.

Accept [etc.]

ROBERT LANSING

File No. 763.72114/3044

The Secretary of State to the British Ambassador (Spring Rice) ¹

No. 1457

WASHINGTON, *January 5, 1918.*

EXCELLENCY: Referring to the memorandum dated November 15, 1917,² of the British Embassy and the Department's reply thereto dated January 3, 1918,² concerning the provisioning of all Serbian prisoners of war in enemy countries by the American National Red Cross, I have the honor further to inform you that a credit will be extended to the Serbian Government, and that the Red Cross is now ready to make purchases for shipments of food for this purpose.

Before making a final decision in this matter, however, I would be pleased to have a definite expression of the views of the British Government that it concurs in the proposed provisioning of all Serbian prisoners of war by the American National Red Cross, and that the shipments of food to be sent to Switzerland for distribution to the prisoners will be facilitated as much as possible by His Majesty's Government.

I have [etc.]

ROBERT LANSING

File No. 872.48/145

The Secretary of State to the Serbian Minister (Michaïlovitch)

No. 67

WASHINGTON, *January 9, 1918.*

SIR: I have the honor to acknowledge receipt of your courteous note of December 28, 1917,² requesting the assistance of this Government in the relief of the Serbian civilian population in that part of Serbia which is occupied by enemy forces, the Swiss Federal Council having determined to assume this task provided that such action is agreeable to the Governments of the United States, Great Britain and France.

¹ A similar note was sent to the French Ambassador on the same date. (File No. 872.48/149a.)

² Not printed.

In reply I beg to inform you that your note and the request contained therein have had my most careful consideration. I must, however, point out several obstacles to the proposal which, to my regret, must be surmounted before acquiescence in this humanitarian undertaking may be given.

In the case of Serbia, it is understood, the difficulties and hardships undergone by the civilian population are principally due to the requisitioning by her enemies of practically all her native foodstuffs, which inasmuch as Serbia is normally self-sustaining, has brought her population to the present pass. There is reason to believe also that the requisitioning of her food supplies is proceeding at the present time. It is obvious, therefore, that in the absence of absolute guarantees that the native food products of Serbia will be reserved to the Serbian population, any augmentation thereof by importation to Serbia would be of assistance to her enemies. In the case of Belgian relief, undertaken by the Allies, such guarantees were obtained from the German Government; but none as yet have been given by the enemies of Serbia in the proposed plan for the relief of the Serbian population.

Also, the foodstuffs that may be exported from the United States and the available tonnage for their shipment overseas are limited, and it is extremely doubtful that the purchase and shipment of the large amount of supplies necessitated by compliance with your request would be feasible.

In this connection I venture to point out that the American Red Cross, with the approval of this Government, is now planning to provision all Serbian prisoners of war in enemy countries which, in itself, is no light undertaking in view of the limited amount of food which may be exported from the United States and the shortage of available tonnage in its transportation.

Accept [etc.]

ROBERT LANSING

File No. 763.72114/3146

*The Acting Secretary of State to the Chargé in Switzerland
(Wilson)*

[Telegram]

WASHINGTON, *January 11, 1918, 5 p. m.*

1325. For Dresel:

By authority of his Government, Serbian Minister here has requested that American Red Cross include the provisioning of Montenegrin prisoners in enemy countries with the proposed and practically accepted plan of the provisioning of all Serbian prisoners by the Red Cross. Number of prisoners stated to be small. Depart-

ment understands that such Serbian relief as has been sent you is administered under your supervision by the Serbian Relief Bureau and distributed by Swiss delegates to prisoners under guarantees of enemy Governments that supplies will not be diverted. Is this correct? If so, will Serbian Relief Bureau undertake administration and obtain similar guarantees from enemy Governments for Montenegrin prisoners? Cable fully.

POLK

File No. 763.72114/3197

The British Chargé (Barclay) to the Secretary of State

No. 72

WASHINGTON, January 15, 1918.

[Received January 18.]

SIR: With further reference to your note No. 1457 of the 5th instant, and to Sir Cecil Spring Rice's reply No. 37 of January 10¹ respecting the proposed provisioning of all Serbian prisoners of war by the American Red Cross, I have the honour to inform you that I have now received a further telegram on this subject from the Foreign Office.

The Foreign Office in this telegram state that His Majesty's Government concur in the proposed provisioning of these prisoners by the American Red Cross, and that they are ready to facilitate as much as possible the shipments of food to be sent to Switzerland to the prisoners.

His Majesty's Government also agree in the proposal made by the Serbian Minister at this Capital, of which I was informed verbally by your Department, that the few Montenegrin prisoners now in enemy hands should be included in the above arrangement on the same basis as Serbian prisoners of war.

I have [etc.]

COLVILLE BARCLAY

File No. 763.72114/3297

The Chargé in Switzerland (Wilson) to the Secretary of State

[Telegram]

BERNE, January 23, 1918, 3 p. m.

[Received January 24, 10.35 a. m.]

2484. For Davison² [from Dresel]:

Your 1325, January 11. Servian Minister and Servian Relief Bureau assist Montenegrin prisoners and have telegraphed Austrian Red Cross for details concerning them. Minister assures me special

¹ Latter not printed.

² Henry P. Davison, of American Red Cross.

guarantees unnecessary and I concur. Probable that many are getting benefit of collective parcels sent from here to Servians. Am informed that total number not over 4,600, all Austrian camps, so far as known. Servian Red Cross, Geneva, has sent them 10,000 individual packages in last 10 months and 46,000 kilograms [have been] dispatched from Lyons for Montenegrins in last 12 months in collective packages through here. All foodstuffs sent here for Servians are being forwarded by Servian Bureau here in collective parcels addressed to camp committees, invoices and blank receipts being at the same time sent to German and Austrian Red Cross. Guarantees allowing distribution of supplies to Servian prisoners were received from Vienna and Berlin, June 1916, and Servian Bureau has operated successfully under these ever since. My efforts have been directed not to radical change of methods or obtaining additional guarantees, both of which would have been, in my judgment, unnecessary and impracticable, but to strengthening and securing distribution. See my 1911, October 23.¹ No supervision of distribution by Swiss or neutral delegates has taken place as in the case of Russian prisoners, though such delegates have at times given valuable information. Camp committees have been responsible for proper distribution hitherto, but Servian Minister informs me Austrian Red Cross has cooperated usefully in relief work, probably largely due to Slatin Pasha. Temporary inspection by Swiss Red Cross outlined my 1911 will shortly take place and expect eventually to obtain appointment Spanish inspectors. Dresel.

WILSON

File No. 763.72114/4522

The French Ambassador (Jusserand) to the Secretary of State

[Translation]

WASHINGTON, *February 12, 1918.*

MR. SECRETARY OF STATE: YOUR Excellency was pleased to acquaint me with the intentions of the American Red Cross with regard to the relief of Serbian prisoners of war and to inquire of me whether the French Government would not be disposed to facilitate such shipments by way of Switzerland.

My Government has just informed me in reply that French delegates were sent to Berne in December last to discuss the questions bearing on prisoners of war. They were instructed at the same time to inquire into the conditions of providing with food the Allied Serbian, Montenegrin, Roumanian and Portuguese prisoners.

¹ Not printed.

As a result of those conferences which were attended by Mr. Dresel of the Legation of the United States and two representatives of the British Government, a plan was devised which provides for a committee in Paris composed of American, English, French delegates whose duty will be to coordinate and regulate the shipments of relief intended for those prisoners.

My Government has given its full approval to the plan which was probably submitted to Your Excellency by Mr. Dresel. The British Government also approves it.

In my Government's opinion, if that organization were called upon to operate in the near future, separate action on the part of the American Red Cross would be unnecessary and it could be brought into play through that committee.

Be this as it may, my Government, glad to aid in such a useful undertaking, will omit nothing that can insure the transit through its territory of shipments sent to Serbian prisoners by the American Red Cross which for its part shall be careful to comply with the obligations that go with shipments of that character.

Be pleased to accept [etc.]

JUSSERAND

File No. 763.72114/3340

*The Acting Secretary of State to the Minister in Switzerland
(Stovall)*

[Telegram]

WASHINGTON, *March 5, 1918, 2 p. m.*

1566. Your 2734, February 27, 9 a. m.¹ After consultation with Red Cross, Department has no objection to your allotting to Servian Red Cross a certain percentage of the supplies shipped from the United States for Servian military and civilian prisoners in Germany and Austria, provided you believe that the guarantees of safe delivery are sufficient and that this allotment will relieve prisoners who are in greatest need. Department believes, however, that the percentage of supplies so allotted to Servian Red Cross should be determined by total quantities for which shipping space can be obtained in this country in advance, and believes, therefore, that before making any allotment to Servian Red Cross you should be fully informed as to the total that is actually *en route* or may shortly be shipped to you. Department will keep you informed immediately upon completion of arrangements for each succeeding shipment.

POLK

¹ Not printed.

File No. 763.72114/3439

The French Ambassador (Jusserand) to the Secretary of State

[Translation]

WASHINGTON, March 26, 1918.

[Received March 28.]

MR. SECRETARY OF STATE: AS Your Excellency knows, the very interesting question of furnishing the prisoners of war of the small Allied states with relief and supplies was recently given special consideration at Berne by the French, American and English diplomatic representatives who drew up a common diagram for the approval of the three Governments.

According to the draft the text of which has been forwarded to me, a central inter-Allied committee would be instituted in Paris, the committee, composed of two delegates appointed by each one of the three Powers, preference being given to one by reason of his official station and to the other by reason of his technical knowledge, would be charged with the duty of coordinating, regulating, and supervising the shipment of relief to the Montenegrin, Portuguese, Roumanian, and Serbian prisoners of war. Each one of the Allied states whose prisoners should receive relief would appoint a delegate who, whenever it was found necessary, would be given a seat in the committee in an advisory capacity.

The diplomatic representatives at Berne had at first thought of placing in that city the seat of the committee, but on further consideration they found that it had better sit in one of the Allied Capitals, for the twofold reason that its purpose being to allot funds and guard purchase and transportation facilities it would be in closer contact with the other inter-Allied committees more especially in charge of such matters, and, further, that the fact that shipments to Allied prisoners are frequently routed via Holland and Denmark, for instance, instead of Switzerland, made it imperative to provide in these various countries for supervisory agencies placed under the same directing body. Paris was chosen as best meeting these requirements.

It seemed that the committee should, for the proper discharge of its duties, be given control not only over the purchase of foodstuffs but also over the allotment of subsidies awarded to the Allied prisoners. The draft therefore commissions that committee to propose to the respective Governments the amount of subsidies to be allowed to the several small states for the relief of their prisoners. The draft is based on the equal participation in the burdens of the institution by the three Powers, France, the United States and England forming a consortium that would guarantee through equal contributions the relief of the prisoners of war of the small Allied states.

The prisoners would all receive the same amount of relief, so the subsidies allowed to their Governments would be determined in proportion to their numbers. The subsidies would thus be allotted to the Governments concerned. These Governments would in this way assume toward the three Entente Powers responsibility for the proper use of the credits assigned to them, and, as these credits would be in the nature of a loan, they would be accountable therefor to the three Powers.

The draft advocates the federation in every Allied country of the institutions that are now engaged in the relief of prisoners. Such a federation may not be practicable in all these countries and the draft on this point does not go beyond a mere suggestion. But it is needless to point out the advantage that such an organization would offer from the standpoint of supervising and utilizing the disbursements. Be this as it may, it would be understood in any event that subsidies would only be allowed proportionately to the number of prisoners to be relieved. An agreement among the several institutions would thus become compulsory.

With regard to the purchase and transportation of foodstuffs, two different modes of procedure have been provided for according as the purchases are made in Entente or neutral countries. In the first contingency, care has been taken to forbid as far as possible or at least to reduce to a minimum any revictualing that would come into competition with purchases made on account of French, American or British prisoners or with national alimentation. Such purchases could only be made, as an exception, upon the formal permission granted and orders delivered by the committee. No restriction would be placed on the institution as to their purchases in neutral countries, but transportation should be regulated so as not to hamper the carrying facilities needed by the Allied countries.

The Government of the Republic instructs me to say to Your Excellency that the proposed organization has its full approval and that it wishes to know at the earliest possible date what decision the Federal Government shall, for its part, have reached on the subject.

Be pleased to accept [etc.]

JUSSERAND

File No. 872.48/164

The Minister in Switzerland (Stovall) to the Secretary of State

[Telegram]

BERNE, May 10, 1918, 6 p. m.

[Received May 12, 12.57 p. m.]

3333. Monsieur Naville, president of central section of Swiss committee for relief of Servians, with ample funds in hand, petitions intercession of American Government to allow purchase in America

and transmission through Switzerland of foodstuffs and clothing for starving and destitute Servian civilians in territory occupied by Austria. Since 1916 such supplies have been suspended owing to objections raised by British Government. Am assured by Servian Minister here and by Swiss authorities that ample guarantees offered by Austria that such supplies would be scrupulously respected and distributed solely among those for whom intended. Swiss Government prepared to appoint official delegates to accompany such shipments and supervise distribution in certain specified localities, working with Servian and Austrian delegates appointed for similar purpose. Need of foodstuffs more urgent in Belgrade and larger towns, clothing in country districts. Distress and mortality among women and children reported appalling. Naville suggested that special permission for 30 car loads, say 300 tons, foodstuffs and clothing purchased in United States, be granted in view of Swiss Government's cooperation and that question be taken up again through diplomatic channels with British Government to obtain consent to this exceptional measure. Servian Minister here believes this would constitute beneficial propaganda for Allies since Austrians are using every means to persuade Servians that they are being abandoned by their allies. Matter very urgent.

STOVALL

File No. 872.48/164

The Secretary of State to the Minister in Switzerland (Stovall)

[Telegram]

WASHINGTON, May 17, 1918, 8 p. m.

1930. Your 3333, May 10, 6 p. m. While this Government is thoroughly alive to the sufferings of the heroic population of Serbia and is earnestly desirous of alleviating these sufferings, it can not undertake to permit the transmission of foodstuffs to Serbian territory occupied by Austria without effective guarantees that the native food products will be reserved to the Serbian population. Any uncontrolled augmentation thereof by importations to Serbia would be of assistance to the enemy. In the case of Belgium such guarantees were obtained from the German Government, but none that can be relied upon has yet been given by the enemies of Serbia. Her privations are due principally to the requisitioning of practically all her native foodstuffs by her enemies, as is borne out by the fact that Serbia is normally self-sustaining.

LANSING

File No. 763.72114/3626

The Secretary of State to the French Ambassador (Jusserand)

No. 2149

WASHINGTON, *May 24, 1918.*

EXCELLENCY: Replying to your note of March 26, 1918, concerning the proposed formation of an inter-Allied committee at Paris to control the furnishing of relief and supplies to the prisoners of war of the small Allied states, I have the honor to inform you that the necessity or advisability of this proposed international committee under present circumstances is not wholly clear to this Government. The chief functions of such a committee, as I understand it, would be to recommend to various Allied governments subsidies for prisoners' relief and to superintend the disposition of the sums so allotted. As provision for the Serbian and Montenegrin prisoners is, I believe, made entirely from loans furnished by the United States and as the transportation arrangements for the supplies are facilitated by this Government, while possible duplication is being controlled by the American Legation at Berne, it is not clear what part would be taken in this connection by representatives of the British and French Governments which, so far as I am aware, have not hitherto been engaged in this work.

So far as the Roumanian prisoners are concerned, this Government under present circumstances is not disposed to consider their claims to relief, while in the case of the Portuguese it is believed that assistance can properly be rendered by their own Government. If the Italian Government should request assistance for its prisoners, who are believed to be in serious straits, the adoption of some concerted plan might, perhaps, be advisable, and this Government would be glad at any time to take such a plan into consideration.

Accept [etc.]

ROBERT LANSING

File No. 763.72114/3696

The Secretary of State to the Consul General at Sofia (Murphy)

No. 145

WASHINGTON, *June 14, 1918.*

SIR: In connection with the serious condition in which the Serbian prisoners of war and interned Serbian civilians in Bulgaria are said to be, the Department encloses the text of a memorial¹ which you may bring to the attention of the Bulgarian Government with a statement to the effect that it emanates from and is delivered at the request of the Serbian Government. You may furthermore state

¹ Not printed.

that the Government of the United States would view with particular gratification favorable action by the Bulgarian Government on the following points brought up by the Serbian Government:

1. To furnish the Serbian Government with full lists of Serbian prisoners of war and civilians in Bulgaria, whether alive or dead.
2. To permit the representatives of neutral states or societies to visit from time to time the prison camps in Bulgaria where Serbian nationals are held.
3. To permit the forwarding of material assistance to Serbian prisoners and the control of the distribution of this assistance by neutral representatives.

I am [etc.]

For the Secretary of State:

WILBUR J. CARR

File No. 872.48/173

The Special Agent in Corfu (Dodge) to the Secretary of State

[Telegram]

CORFU, June 24, 1918, 4 p. m.

[Received June 28, 10.41 a. m.]

Note from the Minister of Finance states that a considerable portion of the funds placed from the American advances at the disposal of the American Red Cross for Servia relief purchases, has not been expended owing to want of tonnage, and desires me earnestly to request my Government to increase, as much as possible, tonnage for this purpose. Larger purchases by the American Red Cross are now required on account of the increasing difficulty of purchasing foodstuff in France, where hitherto about \$70,000 worth monthly purchased for prisoners, and also so as to constitute stock at Berne to provide against interrupting distribution of Servia section there.

DODGE

File No. 811.142/3836

The Special Agent in Corfu (Dodge) to the Secretary of State

No. 76

CORFU, May 29, 1918.

[Received July 1.]

SIR: I have the honor to inform you that the Serbian Agricultural Unit of the American Red Cross arrived at Corfu on the 21st instant and left on the 25th instant *en route* for Salonica via Valona and Argyro-Castro. The Unit was composed of Maj. Francis Jager and of Capts. Caryl B. Storrs, S. R. Moffett, D. S. M. Jager and Coates P. Bull. Upon their arrival they called at the Legation and

I presented them to Mr. Yankovitch, Serbian Minister of Agriculture and Commerce, with whom and the principal officials of his Ministry they subsequently had several conferences. At these the whole plan of work of the Unit was carefully examined and, I am informed, cordially approved by Mr. Yankovitch. Major Jager furnished Mr. Yankovitch and myself with copies of a list of agricultural implements and supplies which the Unit were expecting soon to receive at Salonica.

During their stay at Corfu the Unit was shown every attention by the Serbian Government. They were invited to take all their meals at the hotel occupied by the Serbian Government; a dinner was given in their honor presided over by the Ministers of Agriculture and of Public Works and finally they were taken in the Government automobiles to one of the most beautiful spots of the island where they were given a large collation. Mr. Yankovitch and several of the other Ministers expressed to the Unit, and desired me to express also to my Government, their sincerest gratitude for this mission and its ample supply of implements which they considered to be a further proof of the friendship of the United States for Serbia and of inestimable value especially at the present moment not only to assist agricultural production but as an encouragement to the Serbian people. The official *Srpské Noviné* has published a very flattering notice of the Unit and a summary of the supplies which they are bringing.

I was also able to obtain for the Unit, at their request and through the courtesy of the Italian military authorities here, permission for them to visit the Italian agronomic stations at Barbato, Corfu, and at Valona. The Unit were conveyed to these stations as guests of the Italian authorities, all automobiles, lodgings, etc., being provided for them.

I have [etc.]

H. PERCIVAL DODGE

File No. 872.48/175

The Secretary of State to the Special Agent in Corfu (Dodge)

[Telegram]

WASHINGTON, July 9, 1918, 5 p. m.

Your June 24, 4 p. m. American Red Cross has purchased all supplies for Serbian prisoners under direction of Serbian Minister. At one time it had purchased supplies considerably in excess of money which Serbian Minister had placed in its hands. At present time has no money on deposit for account of Serbian Government. Serbian Minister has requested his Government for authorization to place additional money to credit of Red Cross for purchase additional supplies.

LANSING

File No. 872.48/177

The Acting Secretary of State to the Special Agent in Corfu (Dodge)

[Telegram]

WASHINGTON, July 16, 1918, 3 p. m.

From Treasury Department:

Advised by American Red Cross that Serbian Relief purchases have not been curtailed because of insufficient tonnage and all requirements made by Serbian Minister for foodstuff were promptly taken care of. In very near future further lot of supplies to be shipped weight of which approximates 2,100 tons, and it is expected that ample provision will be made for this space.

POLK

File No. 763.72114/3857

The Acting Secretary of State to the Minister in Switzerland (Stovall)

[Telegram]

WASHINGTON, August 1, 1918, 10.37 p. m.

2379. For Sofia:

Inform Bulgarian Government that Government of the United States is advised by Serbian Government that Dutch Minister, Sofia, in charge of Serbian interests, is allowed no direct relations between Serbian prisoners and interned civilians and that all funds sent Serbian Government from American advances either directly to occupied Serbia or the Dutch Minister, may be distributed only by Bulgarian Red Cross and to Serbians whom Bulgarian Government considers worthy of relief. Serbian Government consequently is reluctantly compelled to stop all remittances to Bulgaria and Bulgarian-occupied Serbia.

In view of the foregoing and on the grounds of its interest in Serbian relief matters, Government of the United States is requested by Serbian Government to invite earnest consideration by Bulgarian Government of serious consequences of its present attitude in preventing Serbian Government and Dutch Minister from assisting Serbian prisoners and in refusing all information concerning them.

POLK

File No. 763.72114/3991

The Special Agent in Corfu (Dodge) to the Secretary of State

[Telegram]

CORFU, September 8, 1918, 9 a. m.

[Received September 9, 3.10 a. m.]

Acting Minister for Foreign Affairs requests me to inform you Dutch Minister, Sofia, is unable to obtain authorization Bulgarian

Government to distribute relief supplies to be sent Servian prisoners and interned. Inquires whether the Government of the United States is willing to instruct American representative at Sofia to receive and distribute supplies, believing he could readily obtain authorization Bulgarian Government and that, as sending supplies to Bulgaria is a new matter and all are purchased with American funds, this will not be considered discourteous by Dutch Government. The last reports state Servian prisoners greatly in need of supplies.

Leaving for Nice 9th. Your cipher telegram there is being repeated.

DODGE

File No. 763.72114/3991

The Secretary of State to the Special Agent in Corfu (Dodge)

[Telegram]

WASHINGTON, September 12, 1918, 6 p. m.

Your September 8, 9 a. m. Department cannot intrust American representative, Sofia, as desired without further information regarding proposal of Serbian Government to send relief supplies to Serbian prisoners and interned civilians in Bulgaria. Where are supplies to be purchased and in what quantity, and through what channel are they to be sent? Are they to go in bulk or in individual packages?

LANSING

File No. 763.72114/4067

The Special Agent in Corfu (Dodge), Temporarily at Nice, to the Secretary of State

[Telegram]

NICE, October 5, 1918, 10 a. m.

[Received 5.15 p. m.]

Your September 12, 6 p. m. Acting Minister for Foreign Affairs telegraphs relief supplies which it is desired the American representative, Sofia, should distribute are a portion of those purchased by the American Red Cross from the American advances to Serbia and shipped from time to time to Berne and sent hitherto only to Servian prisoners in Germany and Austria. Shipments would be made like those to Austria by the Servian section, Berne, in bulk to the American representative at the rate of about 450,000 kilos monthly for about 50,000 prisoners and interned civilians in Bulgaria.

Minister for Foreign Affairs also inquired whether, if the Servian Government furnishes it with sufficient funds from the American advances, the American Red Cross would increase its present pur-

chases and guarantee purchase and monthly shipment to Marseilles or Cette for reshipment to Berne of altogether 2,500 tons of foodstuff and clothing which would be specified and would be sufficient for all prisoners and interned civilians in Germany, Austria, and Bulgaria. Present purchases in Europe with American advances, which are becoming much more difficult and expensive, could then be discontinued.

DODGE

File No. 763.72114/4122

The Consul General at Sofia (Murphy) to the Secretary of State

No. 267

SOFIA, September 14, 1918.

[Received October 30.]

SIR: I have the honor to acknowledge the receipt on the 30th ultimo, of instruction No. 145, of June 14 last, concerning the condition of Serbian prisoners of war and interned Serbian civilians in Bulgaria—and enclosing text of a memorial from the Serbian Government in relation thereto.

As instructed, I handed a note to the Royal Ministry of Foreign Affairs on the 6th ultimo, copy of which is hereto attached.¹ The Royal Ministry responded by *note verbale*, No. 7522, of the 9th instant, translation of which is likewise attached.

Referring to the declaration in the memorial that the Serbian Government was unable to send any help to its prisoners in Bulgaria, it must be said that it is not borne out by the facts, which in the interests of truth, I feel compelled to present to the Department.

The Minister of the Netherlands in Sofia, Mr. R. Melvill van Carnbee, has been provided by the Serbian Government with funds for the relief of its prisoners in Bulgaria—but whether sufficient for their needs is beyond my knowledge. The Netherlands Consul at Philippopolis, Mr. Slavtcho Caltcheff, has been since 1916 very active in visiting Serbians interned in various places in southern Bulgaria and affording them relief. He holds permit from the Minister of War, No. 8376, of the 27th December 1917, allowing him to visit at his pleasure Serbian prisoners at any place in Bulgaria where they are interned.

From Mr. Caltcheff, whose books were freely offered for my inspection, I learned that he began a system of relief in February 1916, which he has ever since continued. He has particular charge of Serbian prisoners in southern Bulgaria, frequently visiting the camps where they are interned, at Philippopolis, Stara-Zagora,

¹ Not printed.

Haskovo, and Karlovo. Mr. Caltcheff's books show that his disbursements on account of Serbian prisoners of war and interned civilians, since the first of January of this present year, were as follows:

January -----	39,000 leva	May -----	32,694 leva
February -----	98,600 "	June -----	19,115 "
March -----	40,749 "	July -----	43,466 "
April -----	132,580 "		

a total of 406,204 leva—or about \$54,160—in the first seven months of this year—all of which was received from the Netherlands Minister at Sofia. In 1916, Mr. Caltcheff informed me, he regularly relieved 250 Serbian families at Karlovo, furnishing them money to buy food, and also gave shoes to 141 of these families. He has distributed over 7,000 pairs of stockings to Serbian prisoners in southern Bulgaria; frequently gave rice for the sick in the hospitals and regularly bought and distributed potatoes.

He has likewise given out to Serbian prisoners sugar, beans, fuel, underclothing and blankets. At Haskovo, 500 Serbian families receive monthly aid from him and Mr. van Steiger, Secretary of the Young Men's Christian Association, informed me that he had just returned from that place after distributing 30,000 leva to 500 Serbian families and 130 Serbian officers—each of the latter in Bulgaria, it should be stated, receive regularly 100 leva per month. Mr. van Steiger said that the amount he distributed at Haskovo was not sufficient to relieve the needs of the Serbians but that he hoped to return there with additional funds.

On the 7th ultimo, Mr. Caltcheff sent to Serbian interned families at Karlovo, 15,000 leva—about \$2,000—some of them having received as much as 300 leva. In the month of March last, the Bulgarian Red Cross received a consignment of woolen blankets, and other consignments since, amounting in all to 40,000. These were excellent woolen blankets bearing English and American marks and all for Serbian prisoners in Bulgaria. Of these, 28,000 had been distributed up to the 1st of June, the balance will be distributed beginning October 1.

The Bulgarian Government since March 1916 has furnished to Serbian prisoners in Bulgaria the following:

14,394 shirts	3,592 overcoats
14,714 pairs of drawers	11,878 pairs sandals
2,511 pairs of trousers	196 pairs puttees
1,195 pairs light boots	112 suits flannel underwear
2,633 suits of clothes	

These articles were received and distributed by Mr. Caltcheff, and shown in his accounts.

In my report No. 478, of the 21st August last,¹ to the American Ambassador at London—referring to the dissatisfaction among British prisoners of war because of lack of blankets and clothing, I stated—

The men are dissatisfied knowing that quantities of blankets and other supplies are being furnished the Serbians at the camp. Only recently, as I learned there, some of the men made a raid on the barrack where quantities of English blankets were being held for the Serbians. The entire stock would have been taken only that word was passed around that the blankets had been used for typhus fever patients.

As I was leaving Philippopolis on the 19th ultimo, after the visit above referred to, I met at the railroad station three Serbian officers, to whom I was introduced by Mr. Caltcheff. They informed me they were going to Sofia to receive a large consignment of supplies for Serbian prisoners, by permission of the military authorities.

From all of which it would appear that considerable help has actually been given Serbian prisoners in Bulgaria.

Concerning the Royal Ministry's reference to me in its *note verbale*, it is but fair to state that the Bulgarian authorities have invariably afforded me every facility for visiting British prisoners of war in hospitals, depots and camps. I hold now permit from the Minister of War, No. 2165, issued August 5, 1918, giving me full and free permission to visit British prisoners of war wherever interned, and this is but a renewal of the former permit that was very much the worse from wear because of constant handling.

I have [etc.]

D. I. MURPHY

[Enclosure—Translation]

The Bulgarian Minister of Foreign Affairs to the American Legation

No. 7522

SOPIA, September 9, 1918.

NOTE VERBALE

In reply to the *note verbale* No. 581, of the 6th ultimo, the Royal Ministry of Foreign Affairs begs to advise the American Legation, as follows:

The memorandum presented by the Serbian Minister at Washington concerning the condition of the Serbian prisoners in Bulgaria, as well as the suggestions made by the Legation for ameliorating their condition, has been given the attention commensurate with the importance of the question in which the United States Government has interested itself.

¹ Not printed.

Careful consideration permits one to state that the *exposé* of the Serbian Government is pretentious, and does not correspond with the facts. The irrefutable proof which can be cited in support of the Royal Ministry's contention, is the report made by the delegates of the International Red Cross at Geneva, who visited the war prison camps in Bulgaria during the month of May, last year. The desiderata which the delegates, before leaving for Switzerland, handed to the War Department with a view to ameliorate the condition of the prisoners, have not only been taken into consideration but carried into execution as follows:

As far as concerns the complaint relative to the exchange of lists, it should be pointed out that the lists of native Serbian prisoners have been made up and if they have not already been transmitted—which the Minister doubts—they will be without delay through the International Red Cross at Geneva.

As regards the question of visiting Serbian camps, the Ministry wishes to state that the Bulgarian Government has never made any objection. It could if necessary call upon His Excellency, the Holland Minister, in charge of the Serbian interests in Bulgaria, to corroborate the foregoing statement. Mr. Melvill has in fact been authorised to visit the Serbian prisoners. On the other hand, the International Commission, referred to above, has recently expressed its desire to send to Sofia representatives for the purpose of conducting an investigation of the Serbian camps. The Government hastened to comply with the Commission's request, and now awaits the arrival of the delegates in Sofia. And then too, Mr. Murphy, the Consul General, is able to give valuable testimony on the point raised: he will readily recall the facilities which the Bulgarian authorities have offered to him, in his capacity as representative of the British interests in Bulgaria, every time he has visited the British prison camps—facilities which are the same for all diplomatic representatives—and he is able to testify to the attention given by the authorities for the maintenance of the camps.

And finally as regards the money and packages received from abroad, and destined to the Serbians, the Bulgarian authorities have never failed to facilitate their arrival and distribution. Recently, Mr. Melvill informed the Ministry of Foreign Affairs that several cars of clothes and blankets had been dispatched to the Holland Legation. All necessary measures were immediately taken for the purpose of assuring their arrival in the country. The manner of distribution of the articles will be determined by the Legation in conjunction with the Red Cross, both of which have the same interest in the question.

The Ministry of Foreign Affairs in exposing the condition of the Serbian prisoners in its true light, likes to believe that the Government at Washington justly appreciates the worth of the assertions of the Serbian Government as set forth in its memorandum.

File No. 763.72114/4139

The Secretary of State to the Special Agent in Corfu (Dodge)

[Telegram]

WASHINGTON, November 8, 1918, 6 p. m.

Your October 31, 4 p. m.¹ Department assumes the request for additional assistance for Serbian prisoners of war, referred to in second paragraph of your October 5, 10 a. m., may be disregarded in view of capitulation of Austria-Hungary and Bulgaria.

LANSING

**RELIEF FOR RUSSIAN PRISONERS OF WAR HELD BY THE CENTRAL
POWERS: THE COPENHAGEN RED CROSS CONFERENCE**

File No. 763.72114/2713

The Ambassador in Russia (Francis) to the Secretary of State

[Telegram]

PETROGRAD, May 30, 1917, noon.

[Received June 2, 8 a. m.]

1340. Ignatieff, former Minister Education, made president of Russian Red Cross by pressure, states great suffering among Russian prisoners in Germany and Austria, who number 2,000,000 and "are simply dying of hunger." Asks whether our Government will permit Russia to buy there monthly "one thousand tons brank (scarred [war?] biscuit) and other food supplies such as fat, sugar, conserve, conserved milk, etc., and assist the transport of these supplies to Copenhagen." Says Russian Red Cross negotiating with German Red Cross to obtain guarantee of the aforesaid steamers carrying such supplies. Says America will earn thereby eternal gratitude of Russian people and asks prompt reply. Think Rockefeller Foundation and Young Men's Christian Association planning to furnish such supplies.

FRANCIS

¹ Not printed.

File No. 763.72114/2713

The Secretary of State to the Ambassador in Russia (Francis)

[Telegram]

WASHINGTON, July 3, 1917, 4 p. m.

1529. Your 1340, May 30, noon. Contents communicated to interested societies. For your information following telegram to-day sent to Legation, Copenhagen:

The special Russian Commission now in the United States is urging the Red Cross to undertake immediate relief on a large scale of provisioning Russian prisoners of war in Germany. The suggestion is made that at present the Russian relief is operating largely through Copenhagen, and that shipments made through this channel reach the prisoners without molestation. Please report immediately in regard to the extent of Russian relief now passing through this channel, and whether in your opinion it is wisely controlled and directed and in fact reaches the prisoners of war.

LANSING

File No. 811.142/2222

The Minister in Denmark (Egan) to the Secretary of State

[Telegram]

COPENHAGEN, July 10, 1917, 3 p. m.

[Received July 11, 5.30 a. m.]

Your 395, July 3, 3 p. m.¹ Have thoroughly investigated the Copenhagen branch of the Russian Red Cross and also the Committee of the Municipality of Moscow which is in charge of this branch. Legation has been furnished with a full report giving statistics regarding amount of work done by this Committee, number of prisoners and quantities of supplies which have been sent. This will be mailed to Department. In the first six months of 1917 the Committee has forwarded 7,000 parcels by train and 12,000 by mail to the prisoners as well as a large amount of money. The mail forwarded to the prisoners during the same period amounted to 1,200,000 letters. This Committee is in touch with local committees composed entirely of Russians who distribute the supplies in 149 camps in Germany and 36 camps in Austria.

It appears to this Legation that this organization is thoroughly competent and capable of handling large quantities of supplies for Russian prisoners and that the supplies are wisely controlled. The means taken to have supplies reach the prisoners are as perfect as possible.

¹ Quoted in telegram of July 3 to the Ambassador in Russia, *supra*.
59665—33—40

In addition to the above organization there is also a Russian section of the Danish Red Cross which is able under Danish regulations to send not more than 1,000 packages monthly to Russian prisoners in Germany.

EGAN

File No. 763.72114/2819a

*The Secretary of State to the Ambassador in Great Britain
(Page)*

[Telegram—Extract]

WASHINGTON, August 9, 1917, 5 p. m.

5282. . . .

The French, Russian, Belgian, Serbian, and Roumanian Governments have asked this Government through their representatives at Berne to purchase and ship food supplies for their respective prisoners in Germany and Austria-Hungary. The matter has been turned over to the American Red Cross which has it, as well as the question of sending food supplies to American prisoners, under serious consideration. Great numbers of Russian, Serbian, and Roumanian prisoners in German and Austro-Hungarian camps are asserted to be actually and presently starving, such small relief as was supplied having entirely ceased.

The American Red Cross is considering the following projects:

1. The relief as urgently pressed by the Russian Government of all suffering Russian prisoners and also of all Serbian prisoners. The total relief thus projected would run as high as an average of 480 tons of war biscuit or its equivalent in food value per day. It is entirely unlikely that the American Red Cross will feel justified in undertaking any such amount of relief, even though money for the Russian portion thereof be furnished by or for the account of the Russian Government. This on account of lack of shipping facilities and independently of any political or military considerations. Nevertheless, the Department will be glad to have the views of the British Government concerning this suggestion, which is very urgently pressed upon the American Red Cross by the Russian authorities.

2. The supply of Russian, Serbian, and Roumanian prisoners who are actually in hospital or are incapacitated by wounds or disease. It is estimated that the whole number of such prisoners in Germany and Austria-Hungary may reach a total of 600,000, but it is believed that if a proper survey of such prisoners can be made the number of those who will be found to be in really desperate need of relief will be very largely reduced. For the purpose of considering this project the Red Cross are assuming that such survey would disclose the possibility of reducing the number to be relieved to not exceeding 300,000, and they are inclined to attempt the relief of such last-mentioned prisoners

if arrangements can be made for transportation, which seems difficult but perhaps within the bounds of possibility. This would mean the transportation upon the average of the tons per day of foodstuffs.

3. The relief mentioned under 2, adding thereto the relief of the remainder of the Serbian prisoners who are suffering from lack of food. It is assumed that this would add about 65,000 prisoners to the foregoing and would involve an average addition of 16 to 17 tons per day.

4. The Red Cross, of course, is intending, whatever else it may or may not do, to relieve the necessities of all American prisoners who have fallen or may fall into the hands of the enemy, adopting about the same scale of relief as that employed by the Canadians with respect to Canadian prisoners in German hands.

Before any concrete progress can be made it is important that the Department obtain a clearer understanding as to what will be acquiesced in and what objected to by the British Government. It is therefore desirable that the Department learn the attitude of the British Government towards the following points:

1. The amount of supplies that may be sent into Germany without objection upon the part of the British Government; whether supplies for the relief of Russian prisoners and prisoners of Allied nationalities, other than American, may be sent and if so to what extent; whether the attitude of the British Government will be different with respect to relief forwarded through Denmark or Holland, upon the one part, or through Switzerland, upon the other.

2. Physical shape in which such supplies may be sent, whether they may be sent in bulk, in standard packages or in individual packages, or by all three methods. It is assumed that biscuits or bread may be sent in bulk.

3. The conditions, if any, other than transmission through authorized organizations, which should be observed in order that supplies may be forwarded.

4. The Russian Government urges that supplies for their prisoners to the extent furnished should be sent to Copenhagen. The Department should be informed whether Great Britain would object to this, and if not, what means (shipping facilities) may best be employed in order to meet the convenience of the British Government in laying down food and other supplies in Copenhagen or other ports which are affected by the blockade of the Central Powers.

In your conversation at the Foreign Office you will take up these matters and endeavor to obtain at the earliest moment practicable a definite statement of the attitude of the British Government towards each of the points herein mentioned. Please regard the matter as urgent.

File No. 763.72114/2856

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, *September 1, 1917, 6 p. m.*

[Received September 2, 7.30 a. m.]

7084. Your 5282 August 9, 5 p. m. My 7023, August 24, 6 p. m.¹ Foreign Office memorandum states that the question of supplies for Allied prisoners has been receiving earnest consideration.

Respecting Russian and French prisoners the British Government's activities have been limited to meeting so far as possible requests for supplies from this country. Respecting the Rumanians, however, the British Government has also financially assisted their relief organizations, and in the case of the Serbs the British Government has both provided funds and sent wheat from England to Berne through British General Headquarters in France. Thus Russian prisoners are now receiving no direct assistance from either the Britannic or the French Government, and it is therefore suggested that if British and American Governments can jointly find the necessary tonnage the American Red Cross might feel able to extend some relief to Russian prisoners.

Regarding shipping there are two proposals: (1) the Danish Red Cross desire to charter a Danish ship not required for general Allied purposes, or to persuade the German Government to lend a ship with neutral crew on condition that half her space be devoted to loading supplies for German prisoners in Russia; (2) the Russian Embassy has suggested the use of some of the Dutch ships now detained in the United States.

The British Government regards Allied prisoners as having as strong a claim to be fed as any other Allied persons not actively engaged in warfare, and will act on this principle subject to the consideration from time to time of the total Allied requirements and supplies and of the security in each case available as to the supplies reaching prisoners. The amount of the supplies allowed by British Government to enter enemy countries will be governed by these considerations regarding center of distribution:

[a] Berne as the sole center seems unsuitable because, first, the forwarding of sufficient supplies over French railways is already very difficult; second, Berne is the only center from which any particulars can be sent to Austria. For these reasons any additional relief to prisoners in Germany should so far as possible be given from Holland or Denmark.

(b) Food from Great Britain is mainly sent in parcels to individual prisoners, but the Allied countries mostly send it

¹ Not printed.

in bulk consigned to camp committees, the British Government recognizing that the parcels system is inapplicable to Russians in Germany owing to absence of lists of names and to bad faith of large numbers.

(c) There are no other conditions.

(d) The British Government has no objection to supplies for Russian prisoners of war being distributed from Copenhagen.

The British Government considers that a scheme should be drawn up for relief of Allied prisoners of war and proposes to avail itself of Mr. A. C. Harte's visit to England early in September to convene a conference for discussion of this question. It is hoped that the American Red Cross may be able to send a representative to this conference.

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File No. 763.72114/2902

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, *September 22, 1917, 12 a. m.*

[Received 4.10 p. m.]

7232. Your 5282, August 9, 5 p. m., and 5392, September 7, 6 p. m.¹ Howland² not yet arrived, but as A. C. Harte of Y.M.C.A. sails for United States today, a Foreign Office conference was held yesterday which he attended with representatives of the Embassy and the American Red Cross. Harte proposed a plan for feeding and clothing, via Copenhagen or Stockholm, as large a proportion as possible of two and quarter million Allied prisoners in Germany and one and a half million Central Power prisoners in Russia. Leverton Harris, Deputy Minister of Blockade, and Sir Eyre Crowe of Foreign Office, promised that this proposal would be considered and intimated that only questions were:

- (1) Whether food and clothing could be spared;
- (2) Whether security against diversion to enemy use would be adequate, particularly in Russia.

Harte considers Scandinavian base essential for administering this scheme, which he will explain to Department on arrival.

PAGE

¹ Latter not printed.

² Charles P. Howland, representing the American Red Cross in prisoner-relief work.

File No. 763.72114/2913

The Minister in Denmark (Egan) to the Secretary of State

[Telegram]

COPENHAGEN, *September 27, 1917, 12 a. m.*

[Received September 28, 12.40 a. m.]

1276. The following translation of a telegram to the Danish Red Cross from their representatives at Petrograd has been referred to this Legation:

Petrograd, 14th September, 1917.

In order to negotiate about prisoners of war the Russian General Staff has ordered representative for Russian War Department, General Kalishevsky, to Copenhagen.

Russian Red Cross sending Secretary General Chamansky and Count Bennigsen allotted [*along*] with secretaries.

Russian Red Cross ask Danish Red Cross to write [*invite*] to the conference representatives for German and Austrian Red Cross as well as representative from Austrian War Department; further to invite British and American representatives regarding the large victuals supply to Russian prisoners' camps in Germany and Austria-Hungary.

The Russian representatives propose being in Copenhagen the 3d of October and ask for information whether necessary preparations can be made until that time.

I venture to point out the following factors as worthy of consideration aside from the questions of available supply and tonnage:

1. The very large majority of the Russian prisoners held by the Central Empires gave themselves up without a struggle, large numbers went deliberately over to the enemy carrying their rifles, for which cash bonuses were paid. They were then promptly distributed about the country to take the place of the peasants and laborers called to the colors. It was owing to the remarkably high percentage of voluntary surrenders early in the [war that the] former régime in Russia at times displayed a certain indifference to the fate of their men in German and Austro-Hungarian hands. It was deemed almost a practice among these captives to attempt escape in the hope that the record of it might count in their favor on return to Russia.

2. Judging from the past it is reasonable to suppose that supplies are now finding their way from Russia through the enemy lines. Quantities are certainly entering Sweden through Finland, which is frankly pro-German and which receives supplies from Russia proper.

3. Whether the feeding of the two million Russian prisoners in Germany and the Russians in Austria-Hungary, when taken together with the relief in kind introduced into Belgium and the relief funds sent to Poland, Palestine, etc., might be just the factor which would enable the Central Powers to tide over the coming winter and spring and so defeat the object of the blockade.

4. Their captors would be relieved by just so much from feeding the very men to whom they are chiefly indebted for the present harvest, as there would now seem to be no effective means of obtaining adequate guarantees that food introduced would not take the place of the prisoners' regular rations. During the working season which extends from March to November the working prisoners of war who constitute the vast majority receive a ration of about three times the size of the regular civil ration, a fact which causes frequent bitter criticism on the part of the urban population.

5. Should it be decided to introduce large quantities of foodstuffs within the German lines for this purpose, why should Russia not [purchase] the surplus Danish cattle and swine, turn them into sausage or salted [meat], and so reduce the amount apparently available for general German consumption next spring?

6. Might it be possible that the Russians themselves would be incited to greater activity in reorganizing and tranquilizing their country by the knowledge that an effort on their part was required to succor their captive brethren of like political faith?

7. For abuses of our humanitarian endeavors I recall the removal from Servia of the foodstuffs from Roumania supplied by our Red Cross. Conger¹ states that in August of last year he saw cultivated fields in Belgium and northern France laid out in huge squares the produce of each to be reserved for an indicated regiment, and the officer in charge in one corps told him they hoped after supplying their own needs to ship a surplus back to Germany. I have only recently heard of Belgian Relief condensed milk finding its way to central Germany and the cans being carefully returned to Belgium as proof of consumption there.

The conference will hold its sessions at the palace under the presidency of Prince Waldemar. Monsieur Zahle of the Ministry of Foreign Affairs will represent the Danish Government. It is reported that the Russian delegates are already *en route*.

EGAN

File No. 763.72114/2920

The Minister in Denmark (Egan) to the Secretary of State

[Telegram]

COPENHAGEN, *September 30, 1917, 4 p. m.*

[*Received October 1, 8.20 a. m.*]

1295. Supplementing the Legation's telegram No. 1276, September 27, noon. The following is a translation of a telegram received by Danish Red Cross from their representatives at Petrograd:

¹ Seymour B. Conger, Associated Press correspondent.

September 25, 1917.

The American Government has opened a credit of \$12,000,000. We hope to organize the transport of supplies through Copenhagen. It may amount to 5,000,000 tons monthly. Conditions of organization [under] control of your delegates. Professor McCarthy, member of the American Red Cross mission, is going to Copenhagen to examine the situation. With your technical assistance we can organize, through the bureau of the Moscow Committee, distribution, shipment, subscriptions, addresses, confirmations, receipt. Please telegraph if we can count on your appointing the necessary number of delegates. Telegraph if you consider special agreement with Germany indispensable.

The Moscow Committee referred to is presumably the branch of the Russian Red Cross in Copenhagen which is so designated. The 5,000,000 tons monthly to which they aspire clearly shows the interest to more than provide for an addition to the regular rations of the Russian prisoners, who, moreover, are not underfed during the working season. It is not, however, at all improbable that the officers and those in hospital may suffer from want of sufficient nourishment.

There seems reason to fear that the Germans, while employing every possible pretext to augment the amount of foodstuffs introduced within their lines, may entertain the hope that by encouraging meetings with their enemies for the discussion of humanitarian questions and by including if possible all the principal belligerents, they may find means of pushing their peace propaganda. The feeling seems very strong in the Central Empires that once at the council table public opinion in all countries alike would not permit the conference to disperse without a cessation of hostilities, and consequently they would be able to extract terms of peace in harmony with their ambitions. The persistent refusal on the part of the Imperial German authorities to deal in any but uttermost generalities when discussing the subject, crowned by the Chancellor's categorical refusal before the Reichstag on the 28th instant to define their aims in definite terms,¹ would seem especially significant.

The opening session of conference is planned for October 4. Monsieur Zahle, who will actually preside, suggests that a technical delegate be named on our behalf to attend those portions of meetings which deal with food relief and accept the recommendations of the conference *ad referendum*.

EGAN

¹ See telegram No. 1413 from the Chargé in the Netherlands, *Foreign Relations*, 1917, Supplement 2, vol. I, p. 215.

File No. 763.72114/2929

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, October 4, 1917, 2 p. m.

[Received 7.25 p. m.]

7325. Howland and Dresel have telegraphed you their disapproval of Harte's comprehensive scheme to feed prisoners. They report to me that they can make no practical progress with British Government because of Harte's scheme which the British Government knows. They ask me to take up subject of feeding Russian and Servian prisoners in Germany with the Foreign Office. Please instruct me. The British Government will ask among other questions whether enormous food supply [will be] required and [whether] we can guarantee transaction, and precisely what machinery of distribution can be set up to insure that food reaches prisoners and nobody else.

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File No. 763.72114/2929

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, October 5, 1917, 4 p. m.

5536. Your 7325, October 4, 2 p. m. You may inform Foreign Office that Department does not approve of Harte's plan, and in the event that any arrangement whatever is made concerning the purchase and shipment of food supplies to Russian prisoners in the Central Powers, the American Red Cross would be named as the recognized organization for this purpose. Furthermore, no plans will be perfected until this Government has consulted fully with the British and French Governments.

It has been suggested by Russian Ambassador here that all the Russian prisoners in the Central Powers, about 1,800,000, be sent food from the United States. The Department, as well as the Red Cross, has never approved this proposal, but, on suggestion of Red Cross, consideration is being given to the purchase and shipment of food supplies, amounting to about 2,000 tons per month, to those Russian prisoners who are sick, wounded, and otherwise incapacitated, entire operation in Germany being supervised by Spanish Embassy, Berlin, and inspectors and committees consisting of or controlled by representatives of Embassy and by prisoner committees, proper guaranties being first obtained from the German Government.

LANSING

File No. 763.72114/2913

The Secretary of State to the Minister in Denmark (Egan)

[Telegram]

WASHINGTON, October 5, 1917, 5 p. m.

523. Your 1295, September 30, 4 p. m. Department cannot avoid the conclusion that the Danish Red Cross must be misinformed or Petrograd authorities have misunderstood what has been arranged here. Russian Embassy has requested American Red Cross to purchase and ship food to Russian prisoners in the Central Powers, the project contemplating feeding about 1,800,000 during winter and late autumn, and about 1,250,000 during remainder of year, supplying maximum of about 13,500 tons per month of food and minimum of less than 9,000. Suggestion of American Red Cross itself, however, has been that only such amount of food as may be necessary to provide for sick, wounded, and otherwise incapacitated Russian prisoners shall be purchased and sent, amounting to about 2,000 tons per month, entire operation in Germany being supervised by Spanish Embassy, Berlin, and inspectors and committees consisting of or controlled by representatives of Embassy and by prisoner committees, proper guaranties being first obtained from the German Government.

This Department has never approved the more comprehensive scheme and feels that there is not any real probability that so large an undertaking would either prove feasible in practice or meet the approval of our various governmental authorities whose cooperation would be necessary. Department is unaware of any plan contemplating sending 5,000,000 tons of food into Germany during any period whatever. It is, however, regarded as possible that the more limited plan suggested by the American Red Cross may be sanctioned. The Department will probably be in a position to take up this matter in some definite form with the Government of Great Britain whose cooperation would be necessary as soon as Russian Embassy here is advised of the views of the Petrograd authorities. Danish Red Cross should be informally but fully informed concerning facts and American attitude. Not only must this Government decline any suggestion that it participate in or agree to be bound by the decisions of the proposed conference, but according to statement of Red Cross, Doctor McCarthy has no authority whatever from American Red Cross to represent it or to be present at conference and should be distinctly warned not to participate in any way.

Department appreciates the views expressed in your valuable telegram No. 1276, September 27, 12 a. m.

LANSING

File No. 763.72114/2988

The Minister in Denmark (Egan) to the Secretary of State

[Telegram]

COPENHAGEN, *October 25, 1917, 3 p. m.*

[Received October 26, 1 a. m.]

1482. Legation's 1465, October 23.¹ The Legation has been informed that the Russian and Austro-German delegates to the Red Cross Conference have agreed to recommend to their Governments the repatriation of all their invalid nationals interned in Denmark, also that the Russians have proposed the exchange of 1,000 German officers and 5,000 civilian prisoners against 5,000 Russian officers now in the hands of the Central Powers.

It is admitted by a Russian official that the Central Powers continue to press the question of an exchange of non-invalid prisoners.

AMERICAN LEGATION

File No. 763.72114/2988

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, *October 29, 1917, 12 noon.*

5677. The following, strictly confidential, received from Copenhagen today:

[Here follows text of telegram No. 1482 of October 25, *supra*.]

Please take up matter with Minister of Foreign Affairs orally and ascertain his views. Also what steps, if any, British Government contemplates taking. Similar instructions telegraphed Ambassador at Paris.² Text furnished Petrograd³ to report as to authenticity without making any representations whatever.

LANSING

File No. 763.72114/2993

*The Minister in Denmark (Egan) to the Secretary of State*⁴

[Telegram]

COPENHAGEN, *October 26, 1917, 10 p. m.*

[Received October 27, 9.30 a. m.]

1495. Our 1482, October 25, 3 p. m. The Legation learns that the Russians and Austro-Hungarians and Germans have agreed to

¹ Not printed.² Telegram No. 2748 of Oct. 29. (Same file number as above.)³ Telegram No. 1805 of Oct. 29. (Same file number as above.)

⁴ Transmitted to the Ambassadors in Great Britain and France on Oct. 29, telegrams Nos. 5686 and 2752, and to the Ambassador in Russia on Oct. 30, telegram No. 1809. The last telegram contained in addition the following: "Please ascertain facts and if report is substantiated say to Minister of Foreign Affairs that the Department cannot but feel that a grave peril exists to the Allied cause in the contemplated release of so large a number of German and Austrian officers and men."

exchange: (1) all tubercular prisoners; (2) all who cannot be cured in less than one year; (3) [those] suffering from *maladie-de-fil-fer*, i. e., whose nerves are so shaken by internment that their nervous systems go to pieces at the sight of a prison camp; (4) other minor special diseases. The foregoing is nothing more than a sieve through which the Central Powers may recover their officers; the reported provision that no exchanged person may be employed at the front or for military instruction is equally specious.

The importation of American food for prisoners has been discussed. It is proposed equally for prisoners held by Russia and by the Central Powers. The latter contend that they would profit neither in an economic nor a military sense; suggested control by Danish delegates and had the temerity to acknowledge that the present ration was insufficient for normal nutrition. The food imported from America would simply insure the prisoners being fed more satisfactorily without gain to Germany, they contend.

The increase of the number of invalid prisoners in Denmark—now 1,200 Austro-Hungarian and German, and equal number Russians—proposed with the probable inclusion of future American and British prisoners is evidently the next step forward [*toward*] hastening the remanding of the much-needed officers and men. The Danes agreed on condition that food for the purpose could be imported from America.

The question of peace has once or twice been broached but not pursued, which gives the certainty of efforts having been continued privately.

The Legation submits that unless prompt and united pressure is brought to bear upon the Russian Government many thousands of Austro-Hungarian and German prisoners will be declared ill and repatriated to release officers and men for service at the front until such time as they themselves shall become fit.

The delegates of the Central Powers and the Danes are using every means to win over the Russians, and if a brake is not soon applied the results may be most detrimental to the cause of the Allies.

AMERICAN LEGATION

File No. 763.72114/2984½

The Acting Secretary of State to the Ambassador in Great Britain
(Page)

[Telegram]

WASHINGTON, November 3, 1917.

5724. Your 7562, October 30.¹ The project heretofore discussed with the American Red Cross for the relief of Russian prisoners of

¹ Not printed.

war in Germany has now taken specific form and, unless Russia determines to proceed with the practically unrestricted exchange of prisoners of war which seems to be contemplated or rendered possible by the reported action of the Copenhagen conference, in which event this Government will not proceed with the relief project at all, the American Red Cross desires and this Department believes that it should be permitted to proceed to put the project into execution, the guaranties mentioned below which it is fully understood are conditions *sine qua non* being first secured. The substance of the project, which in all its stages is to remain subject to the right of the American Government to require its abandonment, is as follows:

1. The relief is to extend and to be limited to Russian prisoners of war in the hands of the Central Powers who are actually suffering from wounds, disease or other substantial disablement which is due to or increased or rendered chronic by undernourishment. The number of such is temporarily assumed to be 250,000, and relief will be strictly confined to that number or less. Actual number is to be determined (as well as the location and distribution of the individuals to be relieved) in the first instance by a canvass of the open prison camps and hospitals by neutral secretaries of the Y. M. C. A. in Germany and Austria, and later by a more thorough and complete survey by inspectors to be procured by the administrative committee mentioned below and to be responsible to the Spanish Embassy in Berlin. The purchase and shipment of food in the meantime is to proceed upon the assumption that the number to be relieved is 250,000, but the food is not to be forwarded from the port of debarkation into Germany or Austria-Hungary except as advices concerning the preliminary canvass are received from the Y. M. C. A. agents in Germany. It is estimated that the food, which will consist of three or four articles such as war biscuit, fat-backs, flour, and possibly relatively small amounts of sweets, will not amount to more than a maximum of 3,000 short tons per month.

2. It is assumed that the money to pay for the purchase, shipment, handling, and distribution of the food will be supplied to Russia by the United States and charged against loans to that country, and by the Russian Embassy will be turned over to the American Red Cross for disbursement. The United States Treasury has assured the Russian Embassy of a credit for use in this work during the balance of 1917 of \$4,000,000.

3. The work will be controlled by an administrative committee consisting of a nominee of the American Red Cross who will be the chairman and executive thereof, a representative of the Russian Ambassador in Washington, probably Mr. Vladimir Buimistroff, the head of the Embassy's Department of War Relief, and a representative of this Department, each of whom will be subject to change.

The Russian representative's assent is to be requisite generally but not in detail to the determination of the nature of the relief and the appropriation of funds. The work in Europe will be carried on by representatives of the Russian Central Committee for Prisoners of War in Petrograd, but subject to such oversight and control on the part of the administrative committee as will enable it to certify to this Government that the project is being carried out efficiently and in accordance with the plan here outlined. The American Red Cross expects to appoint a representative to make his headquarters probably in Copenhagen but to keep in close touch with London, to supervise all work at the European end and to maintain the necessary cooperation with the Y. M. C. A.; such representative to have power over matters of administration but not over matters of agreements or policy unless specifically authorized.

4. As long as shall prove practicable, supplies will be shipped to Copenhagen in boats chartered and used exclusively for the purpose. Food will be shipped thence in bulk to German and Austrian prison camps. All or parts of the shipments will be diverted to other practicable ports if either the British or American Government so requires.

5. No shipments will be made until guaranties on the part of Germany and Austria-Hungary are assured to the following effect:

(1) Ships carrying these supplies, identified in some agreed manner, not to be sunk.

(2) Supplies not to be expropriated, damaged, diverted or unreasonably delayed.

(3) An agreed minimum ration to be furnished by Germany regardless of this relief.

(4) The supplies to be forwarded direct to hospital, prison and other camps and to be received and distributed by prison committees under the supervision of neutral inspectors to be secured or approved by the administrative committee—possibly Y. M. C. A. workers supervised by inspectors attached to the Spanish Embassy in Berlin. These workers will also be charged with the duty of keeping track of conditions in the various camps and of increasing and diminishing the supplies shipped to given camps as the number of incapacitated in such camps may increase or diminish.

A. C. Harte, the International Secretary of the Y.M.C.A., for whose cooperation the American Red Cross is arranging, believes

that through Y.M.C.A. representatives in Germany and Austria-Hungary informal but definite assurances that these guaranties will be given can be secured very expeditiously. It is quite manifest that, if this work is to be undertaken at all, it should be put in process of execution as quickly as possible, both that the relief contemplated may be afforded and in order that the maximum of satisfaction and encouragement may be given to Russia. It is therefore of great importance that we should be informed as quickly as may be of the views of the British Government. It has already assented in principle to this scheme of relief. This Department greatly desires to ascertain with as little delay as possible whether the British Government approves the plan outlined and will assist in facilitating the concrete operation of this specific project assuming that the various conditions mentioned are distinctly agreed to and are observed.

POLK

File No. 763.72114/3020

The Ambassador in Russia (Francis) to the Secretary of State

[Telegram]

PETROGRAD, November 6, 1917, 8 p. m.

[Received November 8, 12.40 p. m.]

1956. Your 1805¹ and 1809,² also telegram from Legation at Copenhagen October 27, 4 p. m.,³ dealt with pursuant to your 1815.³ Minister for Foreign Affairs with whom I have discussed the matter several times states that reiterated instructions have been sent to Russian delegates, who are of undoubted probity and thoroughly reliable, to deal only with matters relative to exchange of invalids and that Russian Minister at Copenhagen has been directed to keep our Legation there fully apprised of all developments. He assures me that this is in accord with Russian policy from the beginning of the war to confine the exchange of prisoners to men fatally ill or undoubtedly unfit for further service, while England, for example, has been exchanging prisoners in view of long duration of imprisonment.

¹ See footnote 3, *ante*, p. 635.

² See footnote 4, *ante*, p. 635.

³ Not printed.

My opinion that shipment of American food for interned prisoners in Denmark would be most inadvisable, if not absolutely dangerous, is strengthened by recent statement of a member of the Danish Legation here who informally asserted that Denmark now holds large quantities of food of kinds ordinarily shipped to England which can not now be shipped on account of submarine warfare, which will not be sent to Germany and which is not necessary for home consumption.

Legation at Copenhagen advised of promised cooperation of Russian Government and that Department will repeat to it in special cipher substance of this message.

FRANCIS

File No. 763.72114/3027

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, November 9, 1917, 2 p. m.

[Received November 10, 10.25 a. m.]

7648. Your 5677, October 29, noon,¹ and 5686, October 29, 8 p. m.² I am sending you by the pouch which closes today a copy of a long memorandum with enclosures giving British Government's views on the reported intention to exchange fit prisoners of war between Russia and the Central Powers.

The essential portion of the conclusions is as follows:

The British Government have made repeated representations at Petrograd in their anxiety to forestall a measure which would have the most serious and most detrimental effect upon the Allied cause, and have received explicit denials of such an intention.

The political situation in Russia renders further representations by the British Government difficult at present in view of the denials of the Russian Government, but in order to save abuses which might prejudice the whole course of the war the British Government hopes you may find yourself able to continue independent pressure at Petrograd. Mr. Balfour thinks that Washington occupies particularly good position for so doing because of the pending proposal that the United States should undertake the feeding of 250,000 invalid Russian prisoners in German hands, but he adds that in the opinion of the British Government great caution should be exercised even in this proposal now being considered.

PAGE

¹ No. 5677 *ante*, p. 635.

² See footnote 4, *ante*, p. 635.

File No. 811.142/2575

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, *November 16, 1917.*

[Received 7.25 p. m.]

7714. Your 5724, 3d. Foreign Office informs me British Government are not in principle averse from scheme put forward by American Red Cross provided that [it is] quite clear that it will not interfere with carriage of supplies, munitions, or men essential to Allied cause. In present political situation, however, they believe United States Government will agree that execution of any such scheme must necessarily be deferred pending clearer prospect as to future position of Russia towards war.

PAGE

File No. 811.142/2575

The Acting Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, *November 17, 1917.*

5846. Your 7714, 16th. Please acknowledge to Foreign Office and state that no scheme, if any, will be presented which would interfere with the military necessities of the Allies. Matter is held in abeyance pending clearing up of political situation as regards Russia's attitude.

POLK

File No. 763.72114/3082b

The Secretary of State to the Ambassador in Russia (Francis)

[Telegram]

WASHINGTON, *December 1, 1917, 4 p. m.*

1876. Referring to Department's and other telegrams concerning Copenhagen conference for exchange of prisoners, please advise whether you have received from Copenhagen or other sources final text which shows that part of the exchange of prisoners is made absolutely contingent upon direct exchange through the lines. In spite of existing conditions please follow this matter closely and make every effort to have the exchange of prisoners limited strictly to individuals who can be of no military value and to have the exchange effected through neutral countries and not through a neutral zone.

LANSING

File No. 763.72114/3091

The Ambassador in Russia (Francis) to the Secretary of State

[Telegram]

PETROGRAD, December 8, 1917, 9 p. m.

[Received December 11, 5.17 a. m.]

2078. Your 1876, concerning Copenhagen conference for the exchange of prisoners. Military mission has furnished the Embassy a memorandum of an interview of December 7 between Captain Riggs and Mr. Chamansky, head of the chancery of the Russian Red Cross, wherein the latter made the following statements:

1. The proposition to exchange prisoners across the Danube and by the Black Sea and the Baltic Sea, in addition to existing arrangement through Sweden, was proposed by the Austro-Hungarian Government some six months ago. Safety of transport on the Baltic Sea could not be guaranteed by the Germans and the exchange of prisoners by the Danube and the Black Sea was not agreed to by the Russians.

2. At a Red Cross and Prisoners-of-War Committee conference in Copenhagen which adjourned about ten days ago the question was again brought up and was categorically refused by the Russian Red Cross representative.

3. About ten days ago Prince Charles of Sweden addressed a letter to Trotsky asking that the question be again raised.

4. What decision will be taken by Trotsky is not known at this time but the Red Cross will protest against any method of liberating or exchanging prisoners except through Sweden.

5. The Red Cross cannot guarantee the safety of enemy prisoners of war who leave prison camps except under negotiation auspices.

6. The officer in charge of war-prisoner section in the General Staff, Colonel Mascaloff, knew nothing of any new arrangement day before yesterday.

7. It is thought that the Danish Minister may also protest against an exchange of prisoners except through Scandinavia.

Judson¹ adds: "I gather that unofficially many enemy [prisoners], particularly those near the front, have already been informally liberated, perhaps without (authority?) from the central authorities."

FRANCIS

File No. 763.72114/5528

The British Embassy to the Department of State

No. 615

MEMORANDUM

The British Embassy have received a telegram from the Foreign Office with regard to the question of forwarding supplies for the use of Russian prisoners in Germany. The British Government are anxious, in view of the present Russian situation, to find some means of withholding such supplies for Russian prisoners, at all events until

¹ Brig. Gen. W. V. Judson, Military Attaché at Petrograd.

it is possible to ascertain the result of the present Russo-German negotiations. These negotiations might well result in the release of the Russian prisoners, the food supplies intended for them being kept in Germany, or the result might be the conclusion of a separate peace, the Russian prisoners being detained in Germany to work there. Either of these two results would be an important advantage for Germany.

The British Government are, owing to the anti-British sentiment now existing in Russia, unable to make an open announcement that supplies must cease to go forward, and they have found it necessary to allow the shipments already received to be distributed. It would make the situation very much easier if the United States authorities could, pending further developments, find a way of preventing further supplies coming forward. In taking any measures with this subject, it is important that no public notice should be given of the cessation of supplies.

WASHINGTON, *December 17, 1917.*

File No. 763.72114/5528

The Counselor for the Department of State (Polk) to the British Ambassador (Spring Rice)

WASHINGTON, *December 22, 1917.*

MY DEAR SIR CECIL: On the 17th you handed me a confidential memorandum from your Government in regard to forwarding supplies for the use of Russian prisoners in Germany. I find upon inquiry that the only food supplies that have been shipped from the United States in the last few months to Russian prisoners of war in Germany consist of 140 tons of flour and 40 tons of sugar. These shipments were made by the Committee of Relief for Russian Prisoners of War at Berne, Switzerland.

Mr. Bouimistrov of the Russian Embassy has agreed to discourage any further shipments of food from the United States to Germany for prisoners of war until the result of the armistice between Germany and Russia was clearly known.

Yours sincerely,

[FRANK L. POLK]

File No. 763.72114/3169

The British Ambassador (Spring Rice) to the Counselor for the Department of State (Polk)

No. 665

WASHINGTON, *December 29, 1917.*

MY DEAR MR. POLK: I beg to acknowledge the receipt of your letter, personal and confidential, of the 22d instant, with regard to

the question of food supplies being shipped from the United States to Russian prisoners of war in Germany.

Since my memorandum of the 17th December was written, I have been in further communication with the Foreign Office, who state that they fully concur in the view expressed by the United States Government—that it is important to do nothing which might result in losing touch with Russia. The British Government, however, are doubtful whether the relations between Russia and the other Allies would be much improved by furnishing supplies for prisoners in Germany, as it is quite likely that under present conditions a proportion at least of such supplies may never reach the prisoners. It is agreed that it would be most undesirable to make any public announcement that the forwarding of supplies was prohibited, and it was only intended to suggest that further consignments might be withheld by means of private instructions to the Customs, or by some similar departmental action.

The events of the past week seem to the British authorities to show that there is considerable danger in such consignments being made for the present, and the Russian Prisoners-of-War Help Committee in London is very shortly to bring its work to an end of its own initiative.

A further consideration in this matter is that of the employment of Russian prisoners while in Germany. It is understood that some 750,000 of them are employed in the manufacture of munitions, a kind of labour which has always been resisted by prisoners from the other Allied armies. It is also believed that there is now an ample supply of corn in Russia, but that the peasants are unwilling to sell it. A report on this point was, it is believed, forwarded to the United States Government by the American Legation at Copenhagen on the 31st October last.¹ In view of all these circumstances, the British Government think that it is hardly justifiable at the present crisis to allow food-stuffs to continue to go forward to Russians in Germany.

In this connection I may add that we were informed some days ago that the War Trade Board were considering the question of granting an export license for 10,000 pairs of woolen hose and three cases of sole leather, to be consigned to the Y.M.C.A. at Copenhagen for the use of Russian and Roumanian prisoners of war in Germany. The British Government are quite prepared to authorize the issue of letters of assurance for such of the goods as are destined for Roumanian prisoners but, for the reasons indicated above, they

¹ Not printed.

would prefer that export licenses should not be issued for goods for the Russian prisoners, if this can be arranged.

Believe me [etc.]

(For the Ambassador)

COLVILLE BARCLAY

File No. 763.72114/3169

The Counselor for the Department of State (Polk) to the Counselor of the British Embassy (Barclay)

WASHINGTON, January 2, 1918.

MY DEAR MR. BARCLAY: I beg to acknowledge receipt of your letter of December 29, 1917, relative to the shipment of supplies to Russian and Roumanian prisoners of war in enemy countries.

In reply I may state that I have recommended to the War Trade Board that in view of present conditions, any licenses which had been issued for the exportation of such supplies from the United States be revoked, and that none be issued in the future until the situation in Russia and Roumania as to separate peace is cleared up.

In this connection I should add that within the past ten days, under a license granted by the War Trade Board to the Russian Red Cross at New York for the shipment of 2,000 tons of foodstuffs to Russian prisoners of war in Germany via Switzerland, 140 tons of flour are now on the Atlantic in transit. This came to my attention only a day or two ago, and the Department is now endeavoring to arrange with the Russian Embassy here, that the consignee at Berne will turn over the shipment to the American Red Cross upon its arrival at Berne.¹

I am [etc.]

FRANK L. POLK

File No. 763.72114/3175

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, January 12, 1918, 11 a. m.

[Received 6.45 p. m.]

8243. Foreign Office reports that in view of present undesirability of facilitating supplies for Russian prisoners of war in Germany, the suggestion has been made that British censor detain correspondence

¹ In a telegram of May 31, 1918, the Minister in Switzerland reported: "I have only lately ascertained that the whole shipment was sequestered by French Government either as consequence of instructions received from Washington or suggestion from French Embassy here." (File No. 811.142/3471.)

contained in transit mail relating to provision of food or money for them. Government here rather doubtful whether such drastic action is desirable or necessary and would be glad to have your opinion on this point.

PAGE

File No. 763.72114/3175

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, January 14, 1918, 7 p. m.

6243. Your 8243, January 12, 11 a. m. Inasmuch as all licenses for shipments of supplies from the United States to Russian prisoners in Germany have been revoked for the present, the Department is inclined to believe that censorship mentioned unnecessary, at least as to correspondence emanating from the United States.

LANSING

File No. 763.72114/3250

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, January 31, 1918, 2 p. m.

[Received 7.15 p. m.]

8455. Our 8243, January 12, 11 a. m. Your 6243, January 14, 7 p. m. Foreign Office, Prisoners-of-War Department, states your 6243 settles question of shipment of food to Russian prisoners of war in Germany satisfactorily, but would like information as to whether the same principle of licenses that you apply to food is applied to money transfers.

Information would also be appreciated as to whether the British censorship should stop (a) correspondence from a neutral country to persons in the United States requesting that they take steps to have money and food forwarded from some neutral country to said prisoners of war; (b) correspondence from the United States to a neutral country sent for the same purpose.

PAGE

File No. 763.72114/3250

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, February 18, 1918, 5 p. m.

6609. Your 8455, January 31, 2 p. m. While the Department has not made public any statement regarding its negative attitude to-

wards relief of Russian prisoners in Germany in the present circumstances, it has requested the appropriate authorities not to grant licenses for the transmission of food, and has asked the Red Cross here, to which license had been granted for the transmission of funds for Allied prisoners in enemy countries, to discourage for the present any applications in favor of Russian prisoners.

It is recommended that correspondence mentioned be detained.

LANSING

File No. 763.72114A/219

The Minister in Switzerland (Stovall) to the Secretary of State

[Telegram]

BERNE, October 5, 1918, 3 p. m.

[Received October 7, 4.41 p. m.]

5057. For War Trade Board [from Dresel]:

No. 205. Inter-Ally Commission of Berne has refused all applications, principally originating with Y.M.C.A. here, to send to Russian prisoners in Germany articles of any nature, including such as are used for religious services. I concur fully but at instance of Doctor Harte I request definite ruling from you on subject. Dresel.

STOVALL

File No. 763.72114A/219

The Secretary of State to the Minister in Switzerland (Stovall)

[Telegram]

WASHINGTON, October 17, 1918, 4 p. m.

3137. For Dresel [from War Trade Board]:

No. 144. Replying Legation's 5057, October 5, 3 p. m., your 205. Board sustains action of A[llied] B[lockade] C[ommittee] in Paris [Berne] of refusing shipments for Y.M.C.A. into Germany for the use of Russians who were once prisoners but are now held there in duress.

LANSING

VI

MILITARY SERVICE CONVENTIONS

File No. 811.2222/947b

*The Secretary of State to the British Ambassador (Spring Rice)*¹

WASHINGTON, September 17, 1917.

MY DEAR MR. AMBASSADOR: In pursuance of Senate Resolution No. 108 of July 31 (calendar day August 1), 1917,² I beg to enclose, as a basis for negotiations a preliminary draft of a proposed agreement between the United States and Great Britain relating to the conscription of the citizens or subjects of either of the contracting parties who may be residing within the territory of the other.

I shall be glad to be informed at your early convenience as to whether this draft is acceptable to your Government as the proper form for a convention of this character or, providing your Government are prepared to conclude with the United States an agreement along these general lines, as to the nature of the changes or modifications which would be necessary in order to render it entirely acceptable.

I am [etc.]

ROBERT LANSING

[Enclosure]

Draft of Agreement

ARTICLE 1. The United States and-----agree that each, after a declaration to the other of a desire to have its citizens or subjects residing within the territory of the other return for military service, may notify them to proceed to their own country for such service, or to report to any designated authorities of their own country who may be in the country of their residence.

¹ The same, *mutatis mutandis*, on the same date, to the French, Italian, and Russian Ambassadors and the Belgian and Serbian Ministers.

² "Resolved, That the President of the United States be, and he is hereby, requested to propose to all European nations engaged in war against the central powers of Europe and, if possible, secure from them an agreement authorizing and empowering the United States to apply the provisions of the act entitled 'An act to authorize the President to increase temporarily the Military Establishment of the United States,' approved May 18, 1917, to all such subjects and citizens domiciled in this country in the same manner and to the same effect as such provisions are applied to the citizens of the United States in selecting and raising an army or navy for service in the present war."

ART. 2. The High Contracting Parties agree to effect as soon as possible the transport by sea or land to their respective countries of their respective citizens or subjects answering the notice given in pursuance of article 1.

ART. 3. It is agreed that such of the persons who are notified in pursuance of article 1 and who, after the expiration of-----days from the date of the declaration made under that article, have not returned to their own country, shall be subject to arrest and delivery to the duly authorized agents of their own country for deportation for military service.

ART. 4. It is agreed that any person who is notified in pursuance of article 1 and who, after the expiration of-----days from the date of the declaration made under that article, has not returned to his own country, or who, after the expiration of-----days from the date of said declaration has not been deported for military service in pursuance of article 3 shall be subject to military service under the laws of the country of his residence in all respects as if he was a citizen or subject thereof, except as provided in article 5.

ART. 5. Any person subject to military service in accordance with the preceding articles shall be exempted from military service upon the formal request of the diplomatic or consular officers of his country made upon the authority and in the name of the Government.

ART. 6. The oath to be taken by any person entering the military service of a foreign country by virtue of this agreement, shall not be, nor be held to be, an oath of allegiance involving or causing his expatriation under any laws of his own country.

ART. 7. Under this agreement military service in one country, or exemption therefrom, shall be regarded as the equivalent of military service or exemption in the other country, and shall cancel any obligation or liability for such service.

ART. 8. It is agreed that the authorities of one country will endeavor to apprehend and take into custody deserters from the armed forces of the other found within its jurisdiction and turn them over to such authorities as their Government may designate.

ART. 9. It is understood, for the purposes of this agreement, that a person is a citizen or subject of the country the nationality of which he has last assumed in accordance with its laws. A certificate of the Government of either country setting forth the fact of such nationality shall be legal evidence as to the person's nationality.

ART. 10. This agreement, while in force, but not thereafter, suspends and holds in abeyance any provisions in conflict therewith in-----between the United States and-----.

ART. 11. This agreement shall remain in force until either party shall cease to be a co-belligerent in the present war, whereupon any person entered into military service or taken into custody hereunder shall be immediately discharged from such service or released.

File No. 811.2222/1322a

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, October 30, 1917, 3 p. m.

5691. British Ambassador states Foreign Office has submitted to you counter-draft of proposed convention respecting conscription of citizens and subjects of contracting parties. If proposal has not been transmitted by mail so as to reach here within three or four days, telegraph text immediately.

[LANSING]

File No. 811.2222/1223½

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, October 31, 1917.

[Received November 1, 7.15 a. m.]

7571. Your 5691, October 30, 3 p. m. Proposed British draft of convention was transmitted by despatch 7392¹ included in pouch which closed yesterday. Following is text:

1. All male British subjects in the United States of America (which expression is used throughout this agreement as including only the possessions of the United States of America in the North American Continent) who at any time after the date on which this agreement comes into operation have attained the age of 18 years and have not attained the age of 41 years, and all male United States citizens in Great Britain who at any time after the date on which this agreement comes into operation are within the age limits for the time being specified for compulsory military service under the laws of the United States of America shall, unless they have applied to return and return accordingly to Great Britain or the United States of America, respectively (or volunteer to proceed and proceed accordingly to such other country as may be specified either generally or in particular cases by the competent authorities of their own country), within the periods laid down in this agreement for the purpose of serving in the army of their own country, be liable to service in the army of the country in which they are according to the laws of that country.

¹ Despatch not printed.

2. United States citizens in Great Britain and British subjects in the United States of America who are at the date of the coming into operation of this agreement within the respective limits of age laid down in article 1, and who desire to serve in the army of their own country, must make application for the purpose in such manner, if any, as may be prescribed under the laws of the country in which they are, and must leave Great Britain or the United States of America, as the case may be, for the purpose of serving in the army of their own country within 60 days from the coming into operation of this agreement. Persons who fall within the respective limits of age laid down in article 1 at any date after the coming into operation of this agreement must leave Great Britain or the United States of America, as the case may be, within 30 days from such date.

Provided, That if any person shall make an application to the Ambassador of the country whose subject or citizen he is for a certificate of exemption from military service in accordance with the provisions of article 3 of this agreement, and such application shall not have been decided within 30 days from the date of the coming into operation of this agreement (or, in the case of a person who falls within the limits of age laid down in article 1 at any date after the coming into operation of this agreement, within 30 days from such date) then, in the event of such a certificate being refused, the period within which such period [*person*] must return to Great Britain or the United States of America, as the case may be, shall be extended to 30 days from the date on which such certificate is refused.

3. The Ambassador of the United States of America in London and His Majesty's Ambassador at Washington may grant certificates of exemption from military service to United States citizens in Great Britain and British subjects in the United States of America, respectively, who may make application for such certificate within 30 days from the coming into operation of this agreement (or in the case of persons who fall within the respective limits of age laid down in article 1 at any date after the coming into operation of this agreement, within 14 days from such date); and persons holding such certificates shall, so long as the certificate is in force, not be liable to military service in the army of the country in which they are. Such certificates may be absolute, temporary, or conditional.

4. In view of the fact that under British law United States citizens in Great Britain who are within the age limits specified for compulsory military service in Great Britain, but under or above the age limits at present specified for compulsory service under the laws of the United States of America, will, upon the coming into operation of this agreement, become liable for military service under the laws of Great Britain, the United States Ambassador in London may issue a general certificate of exemption in favor of all such United States citizens; but in the event of the age limits under the law of the United States being altered, such certificate shall be withdrawn or modified, as the case may require. In the [*that*] event United States citizens who are affected by the withdrawal or modification of the said certificate shall be liable to service in accordance

with the provisions of this agreement, the period within which they must leave Great Britain if they desire to return to the United States of America for service, being 30 days from the date of such withdrawal or modification of the said certificate. Such persons shall, however, be entitled to apply for a certificate of exemption in accordance with article 3, and in the event of such certificate being refused the period in which the person concerned must leave Great Britain shall be extended in accordance with the proviso that [to] article 2.

5. United States citizens in Great Britain and British subjects in the United States of America who do not apply to return to their own country for service shall have such rights as to appealing for exemption from military service under the laws of the country in which they are as may be afforded them under the laws of that country.

6. The United States Government will take such steps as may be necessary to render liable for immediate military service British subjects in the United States of America (other than those who have obtained a certificate of exemption under article 3) who are within the age limits specified for compulsory military service under the laws of Great Britain and who have not elected to return to Great Britain, or who having elected to return to Great Britain have failed to avail themselves of an opportunity offered to them to return, notwithstanding the fact that any such British subjects may be above or below the age limits at present specified for compulsory military service under the laws of the United States of America.

7. British subjects in the United States of America who have at the date on which this agreement comes into operation taken out their first citizenship papers and who, being within the age limits specified for compulsory military service under the laws of the United States of America, are liable for service in the United States Army, are excluded from the operation of this agreement.

8. Persons who possess both British and United States nationality shall be regarded for the purpose of this agreement as possessing exclusively the nationality of the country in which they are resident at the date on which this agreement comes into operation.

9. His Majesty's Government and the United States Government will, respectively, give facilities for the return of United States citizens and British subjects who may desire to return to their own country for service, but shall not be responsible for providing transport or the cost of transport for such persons, each Government being left to make its own arrangements for defraying the cost of the return of its nationals for this purpose.

10. No British subject who under the provisions of this agreement serves in the United States Army, and no United States citizen who under the provisions of this agreement serves in the British Army shall, after this agreement ceases to have effect, be considered to be under any allegiance, by reason of such service, to the United States of America or to His Majesty the King of Great Britain and Ireland, respectively, or be subject to any liability to service in the reserve of either army after the conclusion of this present war.

11. This agreement shall come into operation on the date on which it is laid before Parliament in accordance with the provisions of the

British law relating to such agreements, and shall, subject to the provisions of article 10, remain in force until either party shall cease to be a cobelligerent in the present war, whereupon any person entered into military service hereunder shall be immediately discharged from such service.

PAGE

File No. 811.2222/1223½

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, *November 10, 1917.*

5769. Your 7571, October 31. Following is text of proposed counter-draft convention:

UNITED STATES COUNTER-DRAFT OF CONVENTION

1. All male subjects of Great Britain in the United States and all male citizens of the United States in Great Britain, who at any time after the date on which this agreement comes into operation are within the age limits for the time being specified for compulsory military service under the laws of the United States or Great Britain respectively, shall, unless they return to Great Britain or the United States, respectively, within the periods laid down in this agreement for the purpose of military service in their own country, be subject to military service and entitled to exemption therefrom under the laws of the country in which they are in all respects as if they were citizens or subjects thereof.

2. Citizens of the United States in Great Britain and subjects of Great Britain in the United States who are subject to military service in accordance with article 1 and who desire to enter the military service of their own country must make application to enter such service in such manner, if any, as may be prescribed by the laws of the country in which they are and must leave Great Britain or the United States, as the case may be, for the purpose of military service in their own country within 60 days from the date of the exchange of ratification of this agreement, or within 60 days from the date of attaining military age under the laws of their respective countries, or within 60 days from the date on which any certificate of exemption issued under article 3 becomes inoperative (unless sooner renewed), or within 60 days from the date on which any application for such certificates of exemption is refused (unless sooner allowed), as the case may be.

3. The Government of the United States and His Britannic Majesty's Government may, through their respective diplomatic representatives, grant certificates of exemption from military service to citizens of the United States in Great Britain and subjects of Great Britain in the United States, respectively, upon application or otherwise within 60 days from the date of the exchange of ratifications of this agreement or within 60 days from the date when such citizens or subjects attain military age under the laws of their respective countries. Persons holding such certificates shall so long as the certificate is in force not be liable to military service in the country in

which they are. Such certificates may be special or general, temporary or conditional, modified, renewed or revoked, in the discretion of the Government concerned.

4. Subjects of Great Britain in the United States who have declared or shall during the life of this agreement declare their intention to become citizens of the United States, and who, being within the age limits specified for compulsory military service under the laws of the United States are liable for military service in the United States, are excluded from the operation of this agreement.

5. Persons who possess both British and American nationality shall be regarded for the purpose of this agreement as possessing exclusively the nationality of the country in which they are resident at the date of the exchange of ratifications of this agreement.

6. His Britannic Majesty's Government and the Government of the United States will, respectively, so far as possible, facilitate the return of citizens of the United States and subjects of Great Britain who may desire to return to their own country for military service but shall not be responsible for providing transport or the cost of transport for such persons.

7. No citizen or subject of either country who under the provisions of this agreement enters the military service of the other shall, by reason of such service, be considered, after this agreement expires or after his discharge, to be under any allegiance to the United States or to His Majesty the King of Great Britain and Ireland, as the case may be.

8. This agreement shall come into operation on the date on which ratifications thereof are exchanged and shall remain in force until either country shall cease to be a cobelligerent in the present war whereupon any citizen or subject of such country entered into military service hereunder shall be immediately discharged from such service.

By changes in wording it has been possible to shorten the British draft which seemed unnecessarily long.

The United States Government cannot undertake to place in its military service British subjects who remain in the United States and are outside the compulsory military age under United States laws as suggested in article 6 of the British draft. This would probably arouse feeling in this country on account of discrimination. Alternative would be to have such British subjects deported by some proper procedure.

Does not the British Government desire some agreement as to return of deserters? This article in United States draft has been omitted from British draft in order that procedure may be properly worked out. Perhaps this might properly form the subject of a separate convention.

Is it the intention of the British Government to apply the convention to Great Britain, including all its Dominions and possessions, or restrict it to the United Kingdom; and is it their desire to apply the convention only to the continental portion of the United States?

Please lay the foregoing before the British Government at the earliest possible moment and request to be advised as soon as possible of their views.

LANSING

File No. 811.2222/1715a

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, *November 28, 1917, 5.19 p. m.*

5918. Department's November 10, your November 20,¹ conscription agreement.

1. Upon reconsideration, I am willing to consider changing agreement so that British subjects in the United States will be subject to military draft under United States law except as to age limits, which will be those of the British law, reciprocal treatment to be accorded United States citizens in Great Britain. Article 1 of the United States draft changed to conform to this view would read as follows:

All male subjects of Great Britain in the United States and all male citizens of the United States in Great Britain shall, unless they return within the periods laid down in this agreement to Great Britain or the United States respectively for the purpose of military service in their own country, be subject to military service and entitled to exemption therefrom under the laws of the country in which they are: *Provided*, That in respect to such citizens of the United States in Great Britain, the age limits for compulsory military service shall be the age limits for the time being specified for compulsory military service under the laws of the United States; and reciprocally, in respect to such subjects of Great Britain in the United States, the age limits for compulsory military service shall be the age limits for the time being specified for compulsory military service under the laws of Great Britain.

2. In order to avoid difficulty from large numbers of British subjects taking out first papers and becoming thereby subject to draft in the United States only if between 20 and 31 years, I would suggest omission of article 4 of United States draft.

3. In order to cover the question of deserters I would suggest that the article on that subject in my first draft be retained.

4. The Embassy here states that delay in reaching an agreement is due to legal difficulties in making the agreement conform to Canadian law. I would earnestly suggest that the self-governing Dominions be not included in this agreement, as it would cause unnecessary delay to meet their wishes and might make any agreement

¹Latter not printed.

arrived at useless as a model for an agreement between the United States and France, Italy, Belgium, et cetera. Canada and the other Dominions can be treated in a separate agreement which can be negotiated immediately. I am most anxious to have the agreement with Great Britain simple, concise, and clear-cut, so that agreements with the other countries may be as nearly like it as possible in the interest of efficient execution of the agreements in the United States.

5. In order to make the final article of the agreement somewhat more flexible, it is suggested that the latter part be changed to read as follows: "whereupon any citizen or subject of that country incorporated into the military service under this agreement shall be forthwith discharged from such service."

6. Insert "regulations" after "prescribed by the laws" in article 2 of United States draft.

LANSING

File No. 811.2222/1716

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, November 30, 1917.

[Received in four sections, December 1-3.]

7847. The Foreign Office asks that you disregard my 7829, November 28, 3 p. m.,¹ and they submit the following draft¹ to cover agreement which they think meets all the points you have raised except points 5 and 6 in your telegram 5918, November 28.

I am promised a further note today dealing with these points and will telegraph you upon receiving it.²

For your convenience in examining the draft I have indicated in inner quotation marks the proposed alteration in your draft.³ I am obliged for clearness also to telegraph in full the explanations in covering note.

I have just heard from His Majesty's Ambassador at Washington that the United States Government are willing that British subjects in the United States who are within the British age limits for military service, should either serve in the British Army or be drafted into the American Army. I understand that Mr. Lansing has suggested the following wording for article 1:

All male subjects of Great Britain in the United States and all male citizens of the United States in Great Britain shall, unless they return within the periods laid down in this agreement to Great Britain or the United States, respectively, for the purpose of military service in their own country, be

¹ Not printed.

² Telegram No. 7851 (File No. 811.2222/1690); not printed.

³ The "inner quotation marks" are used in the amended draft of the convention at the end of this telegram; draft not printed.

subject to military service and be subject [entitled] to exemption therefrom under the laws of the country in which they are, provided that in respect to such citizens of the United States in Great Britain the age limits for compulsory military service shall be the age limits for the time being specified for [compulsory] military service under the laws of the United States; and reciprocally, in respect to such subjects of Great Britain in the United States, the age limits for compulsory military service shall be the age limits for the time being specified for compulsory military service under the laws of Great Britain.

It is a source of great pleasure to His Majesty's Government that the United States Government have been able to meet their wishes on this point, but the drafting of the proposed new article 1 presents one difficulty, as I had the honor to explain to you in my note of October 25. Under the British law United States citizens who do not return to their own country will become liable to military service within the age limits prescribed by the law of this country. I regret that it is, therefore, not possible for His Majesty's Government to accept the words "in respect to such citizens of the United States in Great Britain, the age limits for compulsory military service shall be the age limits for the time being specified for [compulsory] military service under the laws of the United States; and reciprocally." But they will of course be willing, as I have already suggested to Your Excellency, that United States citizens in this country who are above or below the age limits under American law, though within the limits under British law, should be exempted by Your Excellency under the powers given to you under the agreement so that complete reciprocity would in fact be obtained.

[Section 2.]

If the United States Government should wish an express provision as to the exemption of such persons to be inserted in the agreement, His Majesty's Government would of course raise no objection.

The new form of article 1 will involve two consequential alterations in articles 2 and 3 and I would accordingly suggest that the words "under the laws of their respective countries" in lines 12 and 13¹ of article 2 after 115th word article 2 Department's 5769 and in lines 10 and 11¹ of article 3 after 76th word article 3 Department's 5769 should be replaced by the words "in accordance with article 1."

It has been pointed out that the effect of article 4 of the draft might be [bad]. Under this, British subjects in the United States who were within the American age limits and desired to escape service might immediately take out their first citizenship papers in the hope of escaping service under the operations of the ballot. Sir C. Spring Rice informs me that the United States Government are willing that this article should be eliminated if this would cause no inconvenience to the United States [British?] Government. I think that this should be done.

Since your counter-draft was received the Canadian Government have expressed their desire to negotiate at Washington to adopt separate arrangement with the United States Government providing for the liability to service of United States citizens in Canada

¹ These numbers refer to lines of telegram No. 5769 as received by the Ambassador, not as printed *ante*, p. 653.

and Canadians in the United States. His Majesty's Government are very willing that such an arrangement should be made, but in order that this course may be adopted it is necessary that the persons who would be covered by the proposed arrangement should be excluded from the operation of the present agreement, as otherwise to adopt considerable proportion of them will be entitled under the terms of the Military Service Convention with Allied States Act to receive certificates of exemption. I would therefore propose that the following article should be inserted as a new article 4:

To adopt special arrangement being in contemplation as to British subjects born in or ordinarily resident in the Dominion of Canada, this convention will not apply to British subjects in the United States ordinarily resident in Canada, nor to British subjects in the United States born in Canada, unless they are ordinarily resident in some part of the British Empire other than Great Britain or Canada.

The form of the draft article is due to the fact that it appears necessary that British subjects in the United States who though born in Canada are ordinarily resident in some part of the British Empire other than Great Britain or Canada should be dealt with under the present agreement, not under the separate agreement between the United States Government and the Government of Canada. I should explain that there has not yet been time to obtain the concurrence of the Canadian Government in this article, but in view of the desire of the United States Government to sign the agreement as soon as possible I venture to hope that they will be willing in the meanwhile to take the draft article into consideration so that if it is acceptable to the Canadian Government the agreement may be signed without loss of time.

In articles 2 and 3 of the draft the period during which persons who desire to return to their own country must leave the country in which they are is given as 60 days in all cases. In article 2 and in article 3 this period of 60 days is in accordance with the intentions of His Majesty's Government, but in the other cases the period after which the persons concerned will become liable for military service in this country is, under the Military Service Acts, 30 days, and His Majesty's Government therefore desire that these periods should be reduced to 30 days accordingly.

[Section 3.]

I observe that the United States Government wish the agreement to be ratified and that it should come into operation on the date on which ratifications are exchanged. His Majesty's Government have no objection to this course and they would suggest that it would save time if the ratifications were exchanged at Washington. They would propose, in order that the various periods under the British act may begin to run on the same day as the periods under the agreement, to lay the latter before Parliament on the day on which ratifications are exchanged, and if a short notice can be given before the exchange there should be no difficulty in arranging this in order to comply with the desire of the United States Government that the agreement should be ratified. A preamble and ratification clause have been added and the word agreement has been changed throughout to convention.

His Majesty's Government would prefer that the expression "subjects of Great Britain" should be changed throughout to "British subjects."

With regard to the questions put by Mr. Lansing and conveyed to me in Your Excellency's note I have the honor to state that it does not appear to His Majesty's Government necessary to include any provision as to deserters in the present agreement. The number of British deserters in the United States cannot be large, and such as there are are probably Canadians who could be dealt with under the proposed separate arrangement with the Government of Canada. If it appears necessary at a later date to make any special arrangement as to deserters other than Canadians, this could no doubt form the subject of a separate agreement.

The intention of the British Government is that the agreement should only apply in Great Britain and not in Ireland or the British Dominions and possessions overseas, Canada being dealt with separately, and they considered it would be more convenient if it were confined to the continental portion of the United States. The draft which I had the honor to submit to Your Excellency in my note of October 25 contained a provision to that effect.¹ It would seem, however, sufficient that this understanding of the terms of the agreement should be recorded in this correspondence without any special provisions to that effect being inserted. I have the honor to enclose a copy of the draft agreement in which the alterations which His Majesty's Government would desire made are underlined. If the United States Government are willing to accept these alterations I shall be prepared to sign the agreement as soon as the Canadian Government have expressed their agreement with the proposed article 4, which I hope they will do in the course of a very few days.

[Here follows amended draft convention.]

PAGE

File No. 811.2222/1773a

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, December 5, 1917.

5956. Your Nos. 7847, 7851.² Conscription agreement.

1. We will arrange to give a short notice to the British Government before exchange of ratifications is made here so that the convention may be laid before Parliament as the British Government desires.

2. We are willing to agree to article 1 as given in the British text transmitted in your 7847 on the understanding set forth in the last sentence of your 7847, section 1.

¹ Note of Oct. 25 not printed; for draft of convention see telegram No. 7571 from the Ambassador in Great Britain, *ante*, p. 650.

² Latter not printed.

3. The British changes from 60 to 30 days in article 2 are adopted. We have made a few verbal changes in this article which do not change the sense or meaning. For example: the words "as provided" are omitted, as they seem to carry no meaning for the reason that the whole question of certificates is fully covered by article 3.

4. Thirty-day period is adopted in article 3.

5. Article 4 as proposed by Great Britain will lead to difficulty and confusion for the United States to determine whether a British subject is "ordinarily resident" in Canada or some other part of the British Empire. Cannot the distinction be made more clear-cut by having the proposed article 4 exclude from the operation of the convention British subjects in the United States born or naturalized in Canada? Birth and naturalization can be easily determined, as they are generally matters of record; thus the convention would apply to British subjects in the United States who are neither born nor naturalized in Canada but who reside there.

6. The only change in article 5 is the omission of the word "resident." This word has been omitted throughout the convention on account of vague and uncertain meaning which it carries in various parts of the United States. The word "are" which is used instead of "resident" throughout the convention can be interpreted, it is believed, in a manner agreeable to both countries.

7. The remaining articles 7 and 8 are adopted with few minor verbal changes, to which we trust the British Government will raise no objection.

8. We are willing to omit an article regarding the arrest of deserters. If experience shows the necessity of such a provision it can be negotiated later.

9. By the omission of the article regarding the exclusion of declarants from the operation of this convention, it is understood that declarants of British nationality who have been registered under our Draft Act of May 18, 1917, will not come within the operation of the convention, but will remain subject to conscription under that act. If necessary this understanding may be made clear by an additional article to the treaty.

10. It is my understanding that the present convention shall apply only to Americans in the United Kingdom, excluding Ireland, and to British subjects, except Canadians, in continental United States.

11. The text of the convention drafted in conformity with the foregoing follows.¹

LANSING

¹ Not printed.

File No. 811.2222/1931

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, *December 18, 1917.*

6054. Your 7954, December 13.¹

1. Article 4 as proposed by the British Government is acceptable to this Government. This article as received reads as follows:

ARTICLE 4. In the event of a special arrangement relating to military service being made between the United States Government and the Government of Canada this convention will not apply to British subjects in the United States to whom such special arrangement applies.

We will await the concurrence of the Canadian Government. In accepting this article it is understood that any British subjects ordinarily resident in Canada will come within the convention unless they hold certificates issued under article 3 of the convention, and that Canadians will not come within the convention.

2. As to the operation of the convention with regard to declarants, this Government is advised that British subjects who are exempted by exemption boards under the Draft Act for military service on account of their alienage and who subsequently take out their first papers, become immediately thereafter subject to conscription under the Draft Act. As other British declarants within the age limits of the British law fall within the terms of the convention, there would seem to be no class of declarants who would escape military service in the United States. It may clarify the situation, however, if an additional provision were added to the convention as suggested by the British Government, setting forth our understanding on this point. I would therefore suggest the following to be added as a paragraph to article 5:

British subjects in the United States who have declared or shall during the life of this agreement declare their intention to become citizens of the United States and who are or shall become subject to military service under the Selective Service Act of May 18, 1917, are excluded from the operation of this convention.

LANSING

¹ Not printed.

File No. 811.2222/2598b

*The Secretary of State to the Ambassador in France (Sharp)*¹

[Telegram]

WASHINGTON, *January 7, 1918.*

3041. I am on the point of signing a conscription agreement with Great Britain in the form of the draft at the end of this telegram.

Please present this draft as a new proposal on the part of the United States regarding a compulsory military service agreement, and state that I should be pleased to sign an agreement with the French Government as nearly as possible along the lines of this draft. It is necessary that the agreement with Great Britain, France and Italy be as nearly alike as possible, on account of the insuperable difficulties which would be met in endeavoring to administer in the United States several conscription agreements greatly differing in principle and effect. Article 4 of the attached draft would of course not apply to France, but this could be replaced by an article dealing with the apprehension of deserters, in something like the following language:

It is agreed that the authorities of each country, on the request of the designated authorities of the other, will endeavor to apprehend and take into custody persons who have deserted from the armed forces of the latter subsequent to the date of the exchange of ratifications of this agreement, and deliver them over to the designated authorities of their own Government.

Draft of agreement follows:

1. All male British subjects in the United States and all male citizens of the United States in Great Britain shall, unless they return within the periods laid down in this convention to Great Britain or the United States respectively for the purpose of military service in their own country be subject to military service and entitled to exemption therefrom under the laws of the country in which they are, provided that in respect to such British subjects in the United States the age limits for compulsory military service shall be the age limits for the time being specified for compulsory military service under the laws of Great Britain; and reciprocally, in respect to such citizens of the United States in Great Britain, the age limits for compulsory military service shall be the age limits for the time being specified for [compulsory] military service under the laws of the United States.

¹ The same, *mutatis mutandis*, on the same date, to the Ambassador in Italy (No. 1025), with the following addition preceding the draft of agreement: "On account of the treaty of 1871 it will be necessary to add an additional article as follows: 'This agreement while in force, but not thereafter, suspends and holds in abeyance any provisions inconsistent therewith in the treaty of February 26, 1871, or in any other treaty between the United States and Italy.'" (File No. 811.2222/2598a.)

2. Citizens of the United States in Great Britain and British subjects in the United States referred to in article 1 and who desire to enter the military service of their own country must make application to enter such service in such manner if any as may be prescribed by the laws or regulations of the country in which they are and must leave Great Britain for [or] the United States as the case may be for the purpose of military service in their own country within 60 days from the date of the exchange of ratifications of this convention or within 30 days from the date when such citizens or subjects attain military age in accordance with article 1 or within 30 days from the date on which any certificate of exemption issued under article 3 becomes inoperative unless sooner renewed or within 30 days from the date on which any application for such certificate of exemption is refused unless sooner allowed, as the case may be.

3. The Government of the United States and His Britannic Majesty's Government may through their respective diplomatic representatives grant certificates of exemption from military service to citizens of the United States in Great Britain and British subjects in the United States respectively upon application or otherwise within 60 days from the date of the exchange of ratifications of this convention or within 30 days from the date when such citizens or subjects attain military age in accordance with article 1. Persons holding such certificates shall so long as the certificate is in force not be liable to military service in the country in which they are. Such certificates may be special or general, temporary or conditional, modified, renewed, or revoked in the discretion of the government concerned.

4. In the event of a special agreement relating to military service being made between the United States Government and the Government of Canada this convention will not apply to British subjects in the United States to whom such special arrangement applies.

5. Persons who possess both British and American nationality shall be regarded for the purpose of this convention as possessing exclusively the nationality of the country in which they are at the date of the exchange of ratifications of this convention.

British subjects in the United States who have declared or shall during the life of this agreement declare their intention to become citizens of the United States and who are or shall become subject to military service under the Selective Service Act of May 18, 1917, are excluded from the operation of this convention.

6. His Britannic Majesty's Government and the Government of the United States will respectively so far as possible facilitate the return of citizens of the United States and British subjects who may desire to return to their own country for military service but shall not be responsible for providing transport or the cost of transport for such persons.

7. No citizen or subject of either country who under the provisions of this convention enters the military service of the other shall by reason of such service be considered after this convention expires or after his discharge to be under any allegiance to the United States or to His Majesty the King of Great Britain and Ireland as the case may be.

8. The present convention shall be ratified by His Britannic Majesty and by the President of the United States of America by and with the advice and consent of the Senate thereof and the ratifications shall be exchanged at Washington as soon as possible. It shall come into operation on the date on which ratifications thereof are exchanged and shall remain in force until either country shall cease to be a co-belligerent in the present war. Thereupon any citizen or subject of such country incorporated into military service under this agreement shall be forthwith discharged from such service.

LANSING

File No. 811.2222/2612

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, *January 15, 1918.*

6251. Your 8219, January 10.¹ If delay in reaching agreement with Canada in regard to article 4 is not too prolonged, I would prefer to wait a short while before signing conscription agreement omitting article 4. Political conditions, however, may change at any moment making it necessary for me to proceed to signature, in which event I will telegraph you in advance. I am most anxious, however, to have the British Government continue to urge the Canadian Government to accept article 4 as it now stands. The Canadian representatives are here for the purpose of negotiating separate convention, but matter has not yet been taken up.

The verbal changes indicated by you are accepted and have been made in Department's draft.

LANSING

File No. 811.2222/3050

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, *January 24, 1918, 6 p. m.*

[*Received January 25, 12.42 a. m.*]

8382. Your telegram 6251, January 15. Foreign Office referring to communication received through British Chargé d'Affaires, Washington, state they assume it is now proposed that article 4 of military service convention should read as follows:

4. A special arrangement being in contemplation as to British subjects born, naturalized, or ordinarily resident in the Dominion of Canada, this convention will not apply to British subjects in the

¹ Not printed.

United States (1) not born in Canada but ordinarily resident in Canada, or (2) born or naturalized in Canada and not ordinarily resident in a part of the British Empire other than Great Britain or Canada.

This wording is quite satisfactory to the British Government.

I am informed that the only point now outstanding is second paragraph, article 5, which the British Chargé d'Affaires is taking up with you, and that when this point has been settled nothing will stand in the way of signature of convention. Meanwhile Foreign Office desire to hear that wording proposed for article 4 is acceptable to you. The British Government attach the greatest importance to this matter and Mr. Balfour has expressed to me the earnest hope that it will be found possible to meet their wishes.

PAGE

File No. 811.2222/3244a

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, *January 30, 1918, 4 p. m.*

6390. We have initialed an agreement with Canada and are in practical agreement with Great Britain in respect to conscription conventions. It has been found desirable to modify the British agreement to correspond with the Canadian agreement, in order that both might be as nearly alike as possible. The texts of both agreements are appended hereto. It will be observed that the language has been improved in the interest of clearness and definiteness, and that four important changes have been introduced:

1. The ages applicable to British subjects in the United States have been placed at 20 to 40 years, both inclusive. It is proposed, for administrative reasons, to adopt these ages in all agreements made with the co-belligerents.

2. Declarants subject to our Draft Act will be given the option of serving under their own colors.

3. Diplomatic exemption has been further broadened by omitting the periods within which it must be exercised.

4. Article 4 has been rewritten so as to exclude the persons defined in article 1 of the Canadian agreement. It has also been deemed necessary to add a further definition of British subjects who shall not come within the terms of the British agreement, in order to avoid any obligation under the convention to conscript Irishmen in the United States. This definition is set forth in section (b) of article 4. If there is no objection to this article as rewritten, this Government would prefer to have this definite statement appear in section (b). If there is objection to this, this Government is willing to sign the agreement with section (b) omitted, on the specific understanding that the United States

will not be under the necessity of conscripting Irishmen in the United States. Such legislation, except perhaps to a very limited extent, is impossible here, for the reason that it amounts to subjecting Irishmen to military obligations which they do not have at all at home. The feeling here in some quarters is very strong on this point—perhaps enough to wreck the convention if it is aroused. As the convention does not apply to Americans in Ireland, there would seem to be no more reason why it should apply to Irishmen in the United States than to Australians in the United States, who, of course, do not fall within its terms.

For information of the Senate and in explanation of non-reciprocal character of the proviso of article 1, it is proposed that an exchange of notes be made explaining that the Military Service Acts of Great Britain subject to liability to military service persons between the ages of 18 and 41, both inclusive, and that in order to avoid the delay incident to modifying this act of Parliament, the Government of the United States will exercise its right under article 3 to exempt all Americans subject to this convention outside of the ages of 21 to 30 years, both inclusive. If the British Government interpose no objection, this exchange of notes will be made here.

It is of the utmost importance for political reasons that these agreements be signed at the earliest moment, on account of the growing agitation in Congress and throughout the country. You cannot emphasize too strongly the urgency of early signature, in order to forestall drastic legislation under consideration now by Congress.

Following is text of British agreement in full:

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and the President of the United States of America being convinced that for the better prosecution of the present war it is desirable that British subjects in the United States and United States citizens in Great Britain shall either return to their own country to perform military service in its army or shall serve in the army of the country in which they remain, have resolved to enter into a convention to that end and have accordingly appointed as their plenipotentiaries His Britannic Majesty and the President of the United States, who, after having communicated to each other their respective full powers found to be in proper form have agreed upon and concluded the following articles:

1. All male British subjects in the United States and all male citizens of the United States in Great Britain shall, unless before the time limited by this convention they enlist or enroll in the forces of their own country or return to the United States or Great Britain, respectively, for the purpose of military service, be subject to military service and entitled to exemption or discharge therefrom under the laws and regulations from time to time in force, of the country

in which they are; *Provided*, That in respect to British subjects in the United States the ages for military service shall be for the time being 20 to 40 years, both inclusive.

2. Citizens of the United States and British subjects within the age limits aforesaid who desire to enter the military service of their own country must after making such application therefor as may be prescribed by the laws or regulations of the country in which they are, enlist or enroll or must leave Great Britain or the United States as the case may be for the purpose of military service in their own country before the expiration of 60 days after the date of the exchange of ratifications of this convention, if liable to military service in the country in which they are at said date; or if not so liable, then before the expiration of 60 days after the time when liability shall accrue; or as to those holding certificates of exemption under article 3 of this convention, before the expiration of 60 days after the date on which any such certificate becomes inoperative unless sooner renewed; or as to those who apply for certificates of exemption under article 3, and whose applications are refused, then before the expiration of 60 days after the date of such refusal, unless the application be sooner granted.

3. The Government of the United States and His Britannic Majesty's Government may through their respective diplomatic representatives issue certificates of exemption from military service to citizens of the United States in Great Britain and British subjects in the United States, respectively, upon application or otherwise if the applications be made or if the certificates be granted prior to their entry into the military service of either country. Such certificates may be special or general, temporary or conditional, and may be modified, renewed, or revoked in the discretion of the government granting them. Persons holding such certificates shall so long as the certificates are in force, not be liable to military service in the country in which they are.

4. This convention shall not apply to (a) British subjects in the United States who are defined as "Canadians" in any convention relating to military service which may be concluded between the United States Government and His Britannic Majesty's Government, (b) to British subjects in the United States who before proceeding to the United States were ordinarily resident in some part of the British Dominions other than Great Britain.

5. Persons who possess both British and American nationality shall be regarded for the purpose of this convention as possessing exclusively the nationality of the country in which they are.

6. His Britannic Majesty's Government and the Government of the United States will, respectively, so far as possible facilitate the return of citizens of the United States and British subjects who may desire to return to their own country for military service but shall not be responsible for providing transport or the cost of transport for such persons.

7. No citizen or subject of either country who under the provisions of this convention enters the military service of the other shall by reason of such service be considered after this convention shall have expired or after his discharge to have lost his nationality or to be

under any allegiance to the United States or to His Britannic Majesty as the case may be.

8. The present convention shall be ratified by His Britannic Majesty and by the President of the United States of America by and with the advice and consent of the Senate of the United States and the ratifications shall be exchanged at Washington as soon as possible. It shall come into operation on the date on which the ratifications are exchanged and shall remain in force until either country shall cease to be a co-belligerent in the present war. Whereupon any citizen or subject of either country incorporated into military service under this convention shall be discharged therefrom.

In witness whereof the respective plenipotentiaries have signed the present convention and have affixed thereto their seals.

Done at London in duplicate the ----- day of -----.

Following is text of Canadian agreement omitting preamble and articles 4, 5, 6, and 7, which are identical with articles 5, 6, 7, and 8, respectively, of British agreement:

1. All male citizens of the United States in Canada (hereinafter called Americans) and all male British subjects in the United States (a) who were born or naturalized in Canada and who, before proceeding to the United States, were ordinarily resident in Great Britain or Canada or elsewhere outside the British Dominions; or (b) who were not born or naturalized in Canada, but who, before proceeding to the United States, were ordinarily resident in Canada (hereinafter called Canadians) shall, unless before the time limited by this convention they enlist or enroll in the forces of their own country or return to the United States or Canada, respectively, for the purpose of military service, be subject to military service and entitled to exemption or discharge therefrom under the laws and regulations, from time to time in force, of the country in which they are: *Provided*, That in respect to Canadians in the United States the ages for military service shall be for the time being 20 to 40 years, both inclusive, and in respect to Americans in Canada, the ages for military service shall be for the time being 21 to 30 years, both inclusive.

2. Americans and Canadians within the age limits aforesaid who desire to enter the military service of their own country must enlist or enroll or must leave Canada or the United States, as the case may be, for the purpose of military service in their own country before the expiration of 60 days after the date of the exchange of ratifications of this convention, if liable to military service in the country in which they are at said date; or if not so liable, then before the expiration of 60 days after the time when liability shall accrue or as to those holding certificates of exemption under article 3 of this convention, before the expiration of 60 days after the date on which any such certificate becomes inoperative unless sooner renewed; or as to those who apply for certificates of exemption under article 3, and whose applications are refused, then before the expiration of 60 days after the date of such refusal, unless the application be sooner granted.

3. The Government of the United States, through the Consul General at Ottawa, and His Britannic Majesty's Government through the British Ambassador at Washington may issue certificates of exemption from military service to Americans and Canadians, respectively, upon application or otherwise, if the applications be made or if the certificates be granted prior to their entry into the military service of either country. Such certificates may be special or general, temporary or conditional, and may be modified, renewed, or revoked in the discretion of the government granting them. Persons holding such certificates shall, so long as the certificates are in force, not be liable to military service in the country in which they are.

LANSING

File No. 811.2222/3208

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, *January 30, 1918, 1 p. m.*[*Received 7.36 p. m.*]

8440. The British authorities are greatly disturbed at the prospect of losing three-quarters of the eligible British subjects remaining in the United States under the terms of the proposed military agreement which, while providing in theory that all such men within the agreed age limits of 20 to 40 will become liable for service, give them in fact a three-to-one chance of exemption in that they will be subject to the selective draft under United States law.

They have brought this question up with me, informally but very urgently, stating that you have replied to their solicitations through the British Embassy in Washington, that difficulties of military administration make it impossible for the United States to accept the proposal that such men will immediately after the delay of 60 days be called upon for service in the United States Army. They ask me exactly what these difficulties are, and I beg for detailed information on this point to explain your position.

At the same time I venture to suggest compliance with the British request unless the administrative difficulties are indeed insuperable, since I understand you have no objection in principle to the proposal and the matter is regarded here as of great importance.

In addition, it seems possible that the effect in the United States might be unfortunate should fit British subjects escape the service they would have to perform in their own country while American citizens among whom they live are taken.

PAGE

File No. 811.2222/3208

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, *February 2, 1918, 4 p. m.*

6421. Your 8440, January 30, 1 p. m. The proposal that British subjects under the conscription agreement shall immediately after 60 days be called upon for service in the United States Army is the old one which was made by the British Government in October last and transmitted in your 7571, October 31,¹ and which was declined in Department's telegram of November 10.² We had supposed, therefore, particularly in view of the British Government's note of January 9 transmitted in your 8219, January 10,³ that this matter had been definitely dropped. The point came up again in discussion with Major Mitchell-Innes and in the British Embassy's note of January 22,³ and was disposed of in the same manner orally. Moreover, Canada has never raised the question. As the acceptance of this proposal is a matter entirely for the War Department, I will set forth its objections to the proposal as I understand them:

1. It is impracticable to equip and train more soldiers in the United States at the present time than are being taken care of now in raising the American Army. American industries are being pressed to the utmost to furnish supplies for their equipment.

2. If the proposal means that British subjects should be placed in the military service immediately without reference to exemption on account of dependency or industrial connections, it is doubtful whether such legislation could be obtained from Congress, on account of the feeling it would arouse by drawing men from essential industries and casting dependents upon the country for support. As the United States is the great supply country for the co-belligerents, this feature of the draft of males in the United States cannot but be given a place in the consideration of the matter.

3. The administrative difficulty of incorporating a large body of aliens immediately into the Army as now organized and sent to France.

In this relation it may be mentioned that practically all of the points made against the convention by the British Government have been acceded to by the United States except this one. The insistence of the British Government on this point throughout the negotiations has conduced to delay and has served no purpose but to postpone the attainment of the object sought, namely the procurement of manpower by voluntary enlistment and by compulsory service under the agreement.

¹ *Ante*, p. 650.² *Ante*, p. 653.³ Not printed.

If the British Government feel that it is impossible to recede from their contention I am disposed to suggest the discontinuance of further negotiations and the reporting of the matter to Congress for such action as it may deem advisable to take in respect to compulsory military service of aliens in the United States. Please lay the foregoing informally before the British authorities.

LANSING

File No. 811.2222/3675

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, February 8, 1918, 11 p. m.

8580. I communicated your 6421 of February 2, 4 p. m., informally to the Foreign Office who say that in view of the very definite opinion expressed, they will not press the question further. They hope to reply very soon to my note transmitting the text of the convention as set forth in your 6390 of January 30, 4 p. m., but there were one or two further points raised which necessitated discussion with other departments.

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File No. 811.2222/3800

The Ambassador in Italy (Page) to the Secretary of State

[Telegram]

ROME, February 11, 1918, 6 p. m.

[Received February 12, 6 a. m.]

1412. Your 1070, 9th.¹ Following is full text requested:

I have the honor to inform Your Excellency that the new draft of agreement concerning military service, which was sent to me in note 191 [1901] January 9, has been approved by this Government after a careful examination by the Royal [proper] Ministries; this Government is, however, desirous of inserting a few slight alterations and additions as follows:

Article 3. In order to facilitate and hasten work of exemption, this Government believes it would be well to extend the power granted to the diplomatic representatives of the two contracting Governments, to other authorities also specially appointed. For this purpose it would be required to add after the words "through [their] respective diplomatic representatives" the clause "or by the other authorities appointed for that purpose by the respective Governments."

Article 4. This Government wishes to confirm its desire to extend the measures for arrest and consignment also to deserters of the

¹ Not printed; see footnote 1, *ante*, p. 662.

merchant marine. It is compelled to insist on this by the absolute necessity of forestalling and preventing desertions from merchant vessels, which [seriously] injure and obstruct the proper working of maritime traffic. It would be required therefore to add to the text of the article the following short paragraph: "The same measures apply to deserters from merchant vessels." Should the Government of the United States have no objection it would be also appreciated if similarly to the stipulation in the Italian-English agreement of December 11, 1917, the reading relative to the arrest and the consignment of deserters from the armed forces should apply not only to those who may desert after the date of the ratification of the agreement, but also to all those Italians who may have avoided military service by leaving the Kingdom after the date of Italian mobilization.

Hence it would be required to add to article 4 the following sentence: "The same treatment shall apply to Italians who are recalcitrants or deserters or in any way bound to military service and who left the Kingdom after May 23, 1915."

Article 5. This Government, while approving fully the reading of the text of the first sentence of the article, concerning those who are possessed of double citizenship, is desirous of suppressing the second sentence, which refers to Italian citizens possessing first papers of American citizenship and called [up] for military service in accordance with the "Selective Service Act" of May 18, 1917.

While requesting this suppression this Government does not, however, mean to create opposition to the enforcement of the said United States law on military service, against which no protest is entered; it desires above all the removal of a measure which would almost constitute an invitation to Italians who have emigrated to begin proceedings for the acquisition of American citizenship and the severance of all ties with Italy.

Articles to be added. Lastly this Government proposes to add three articles: the treatment of soldiers and their families; the equalizing of military service; and readmission into their country of residence of those who left it to do military service. These articles might be inserted between article 7 and article 8 of the United States draft and be formulated as in enclosed note.¹

The first of them, concerning the treatment, is a verbatim reproduction of the paragraph of article 4 of the Italian-English agreement.

The second, which has as its object the equalization of the service already mentioned in the first draft, article 7, of the Federal Government, is also modeled on the text of the Italian-English agreement: its first two paragraphs are the verbatim reproduction of article 8 of the said agreement; the third paragraph is similar to the second paragraph of article 5 of the same agreement, and its purpose is to enable those men who wish to take advantage of the equivalent service—men who, bound by military obligations to one of the two coun-

¹ See "Proposed additional articles," *infra*.

tries and being located on the territory of the other, escaped the enforcement of the agreement, or in other words, cannot be compelled to serve in the country where they are residing.

This, for example, would be the condition in the United States of Italians possessed of double citizenship and mentioned in article 5 of the draft, who because of their age would not be drafted in the United States, and also of those who have lost their Italian citizenship but are still under obligations of military service in the Kingdom according to article 8 of the law on Italian citizenship.

The third article, concerning the readmission to the United States of Italians who left that country to answer the call to arms, treats of a matter which is of great interest to the Royal Government and it is merely a confirmation of a measure already included in the Italian counter-draft presented by the Royal Ambassador at Washington to the Federal Government last December.¹

I would be extremely grateful to Your Excellency if you would as soon as possible let me have a courteous answer to this note, and I avail myself of this opportunity, et cetera. (Signed) Sonnino.

[Proposed additional articles]

ARTICLE 8. The citizens of either of the two contracting parties who in accordance with the terms of this agreement are liable to perform military service in the Army of the other shall be treated in the same manner as the citizens of the country of their actual residence in all matters concerning salaries, allowances, pensions, furloughs and discharges for reasons of health, or others.

ARTICLE 9. The military service performed in the Army of either of the two countries in accordance with the present agreement shall be considered as equivalent.

Each of the two Governments reserves for itself the right to determine, according to its own laws, the effects of service however rendered by its own citizens in the country of the other, having regard to their military obligations under the respective national laws.

Either of the two Governments undertakes to permit the men who are not obliged to perform military service in the country of their residence according to the terms of the present agreement, but who may have military obligations to fulfill according to the laws of the other, to perform voluntary service in the Army of the country of their residence as stated in the present article.

ARTICLE 10. The readmission into either of the two countries of those who returned to their own country even previous to the date of this agreement in order to fulfill their obligations of military service consequent upon the present war cannot be denied on account of circumstances or conditions existing before their return to their own country or which were brought about as a result of the said service.

NELSON PAGE

¹ Not printed.

File No. 811.2222/3830

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, February 12, 1918.

[Received 5.15 p. m.]

8623. Your 6390, January 30, 4 p. m.¹ Following note dated February 11 just received from Foreign Office:

The telegram from the United States Secretary of State on the subject of the proposed military service convention which was communicated to me in your note of the 31st ultimo, has received the careful consideration of His Majesty's Government, and I am glad to say that the new proposals made therein can, speaking generally, be accepted by His Majesty's Government, and I trust therefore that it may be possible to proceed to the signature of the convention at an early date.

I beg leave to make the following observations on certain articles of the convention as now proposed.

Article 1. His Majesty's Government agree that the ages applicable to British subjects in the United States shall be fixed at 20 to 40 years, both inclusive. They also accept the other amendments made in this article and the proposal that an exchange of notes shall take place at Washington explaining that the Military Service Acts in this country subject to liability to military service men between the ages of 18 and 41, both inclusive, and that in order to avoid the delay which would be caused by an attempt to modify those provisions it is agreed that the Government of the United States will exercise its rights under article 3 to exempt all Americans subject to the convention outside of the ages of 21 and [to] 30 years, both inclusive.

Articles 2 and 3. The alteration of the periods with the exception of the first in each article from 30 days (the period which had been previously agreed upon) to 60 days will cause inconvenience in the working of the convention in this country, since as has already been explained the period of 30 days corresponds with that laid down in the Military Service Acts. Further, the deletion of the provisions under which application for exemption must be made within a certain fixed period will not only allow a man to postpone his calling up for at least four months after the exchange of ratifications by making an application for exemption, but would also enable a man who has actually received a calling-up notice to make an application for exemption and thus secure further respite until 60 days after the date upon which his application is eventually refused by the Ambassador. The United States Government will no doubt agree that such a result would be undesirable. His Majesty's Government would accordingly be glad if the United States Government were able to agree to the restoration of the period of 30 days where such period was previously mentioned in these two articles and of the provision in article 3 under which application for exemption had to be made within 60 days from the exchange of ratifications or within 30 days from the

¹Ante, p. 665.

date of attaining military age, but if the United States Government are unable to see their way to agree to this His Majesty's Government urge that the first sentence of article 3 should be amended so as to read after the words "British subjects in the United States, respectively"—"upon application or otherwise within 60 days from the date of the exchange of ratifications of this convention or within 30 days from the date when such citizens or subjects attain[ed] military age in accordance with article 1."

Article 4. The wording of section (a) as it now stands may give rise to difficulties in Parliament which could be avoided by substituting the definition of Canadians as given in the Canadian agreement and, as this is merely a question of wording, His Majesty's Government hope that the United States Government will have no objection to this being done. With regard to the proposed section (b), His Majesty's Government would point out that as has already been explained it will be necessary under the terms of the Conventions with Allied States Act that Irishmen who are not domiciled in the United States and who before proceeding thither were ordinarily resident in Ireland should receive certificates of exemption from the British Ambassador, and therefore the present question only concerns Irishmen who are domiciled in the United States. The question as to the calling up of such Irishmen for service in the American Army is one which His Majesty's Government feel must be decided by the United States Government. It would be difficult for His Majesty's Government to agree to the insertion of section (b) in the convention, because its effect would be to deprive them of the power which under the act above referred to they are bound to retain and exercise, namely, to grant certificates of exemption to British subjects who prove that they are not domiciled in the United States, and that before proceeding to the United States they were ordinarily resident in some part of His Majesty's Dominions other than Great Britain (including, of course, Irishmen); but in view of the representations of the United States Government they are ready to agree to an understanding that the United States shall not be under the necessity of conscripting Irishmen who do not receive certificates of exemption from the British Ambassador, although they would suggest that the United States Government might find it possible to call up such persons within the American age limits, especially as it is understood that the United States Government are at present calling up under the Selective Draft Act aliens other than enemy aliens who have taken out their first citizenship papers in the United States.

His Majesty's Government would therefore propose that article 4 should run as follows:

This convention shall not apply to British subjects in the United States (a) who were born or naturalized in Canada and who before proceeding to the United States were ordinarily resident in Great Britain or Canada, or elsewhere outside the British Dominions, or (b) who were not born or naturalized in Canada, but who before proceeding to the United States were ordinarily resident in Canada.

The other amendments introduced into the convention are accepted, and the result is that I am ready to sign the convention as enclosed in

your note under reply subject to article 4 appearing in the form given above and subject, also, to the points raised above in connection with articles 2 and 3.

I hope that these points will cause no hindrance to the speedy signature of the convention.

PAGE

File No. 811.2222/4169a

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, February 14, 1918.

6565. Your 8623.

Article 2. I accept the changes desired by the British Government in respect to periods mentioned, that is 60 days after the date of the exchange of ratifications and 30 days at each of the other points in this article where 60 days is used. My suggestion as to 60 days throughout was made merely for uniformity.

Article 3. The reinsertion of the clause omitted by me is agreed to so as to read as follows:

British subjects in the United States, respectively, upon application or otherwise, within 60 days from the date of the exchange of ratifications of this convention or within 30 days from the date when such citizens or subjects become liable to military service in accordance with article 1.

It will be observed that the words "attained military age," have been changed to "become liable to military service," so as to conform to the clause "subject to military service," in article 1. I trust that His Majesty's Government will raise no objection to this slight verbal change.

Article 4. The wording of article 4 desired by the British Government is accepted. Article 4 will read as follows:

This convention shall not apply to British subjects in the United States (a) who were born or naturalized in Canada, and who, before proceeding to the United States were ordinarily resident in Great Britain or Canada or elsewhere, outside the British Dominions, or (b) who were [not¹] born or naturalized in Canada, but who, before proceeding to the United States were ordinarily resident in Canada.

The omission of the remainder of article 4 is accepted on the understanding, as indicated in my telegram of January 30,² that the question of how far Irishmen shall be subjected to military service in the United States will be left to the discretion of the United States.

¹ See telegram No. 8720, from the Ambassador in Great Britain, Feb. 18, 1918, *post*, p. 681.

² *Ante*, p. 665.

I trust that it will be possible to make the changes suggested above for articles 2, 3, and 4 in the corresponding articles of the Canadian convention, in order that the two may be as nearly identical as possible. The War Department finds it impossible to execute the two conventions unless, in respect to these points, the conventions are identical, inasmuch as the two conventions apply to two classes of British subjects.

As the two Governments now appear to be in entire agreement, I would propose that His Majesty's Government telegraph full powers to the British Ambassador here to sign both conventions in Washington Monday next, at which time the exchange of notes in regard to article 1 will be made.

Please bring this to the immediate attention of the Foreign Office, as it is of the utmost importance for political reasons to have the conventions signed on Monday next.

For your information. Succeeded in postponing drastic legislation on assurance that these conventions would be signed immediately.

LANSING

File No. 811.2222/4194a

The Secretary of State to the Ambassador in France (Sharp)

[Telegram]

WASHINGTON, *February 16, 1918.*

3193. Department's October 29¹ and January 7 last,² conscription agreement.

We are in agreement with Great Britain and Canada as to a convention for compulsory military service of the citizens or subjects of either country residing in the other. As we have not heard from the French Government officially as to their attitude in the matter, I have to suggest that the attached draft conscription convention which is practically identical with that entered into with Great Britain and Canada be presented to the Foreign Office with the request to be advised as to whether it is possible to sign an agreement as nearly as possible in this form. As I have stated before it is necessary that agreements of Great Britain, France, and Italy be as nearly alike as possible on account of the insurmountable difficulties which would be met in the United States in an endeavor to enforce in the United States several conscription agreements greatly different in principle and effect, and applying to a large number of aliens of different nationalities. It will be observed that the former proposal of this Government for an article for the apprehension of deserters has been omitted. It is now desired that no such article be

¹ Not printed.

² *Ante*, p. 662.

inserted in the treaty, as it is believed that the delivery of deserters can be arranged for by an exchange of notes. I trust, therefore, that the French Government will appreciate the situation in respect to this convention and will be willing to enter into a convention with the United States in the form of the one hereto appended.

On account of drastic legislation for the military service of aliens now pending in Congress which has been suspended for two weeks to await the outcome of negotiations with the Entente Powers and which will come up for consideration again the first part of next week, it is necessary for us to know by next Saturday, February 23, whether the French Government believes it is possible to reach an agreement as to conscription convention in this form.

[Text of proposed convention]

1. All male citizens of France in the United States and all male citizens of the United States in France shall, unless before the time limited by this convention they enlist or enroll in the forces of their own country or return to the United States or France, respectively, for the purpose of military service, be subject to military service and entitled to exemption or discharge therefrom under the laws and regulations from time to time in force, of the country in which they are; *Provided*, That in respect to citizens of France in the United States the ages for military service shall be for the time being 20 to 40 years, both inclusive, and in respect to citizens of the United States in France, the ages for military service shall be for the time being 21 to 30 years, both inclusive.

2. Citizens of the United States and citizens of France within the age limits aforesaid who desire to enter the military service of their own country must after making such application therefor as may be prescribed by the laws or regulations of the country in which they are, enlist or enroll or must leave France or the United States as the case may be, for the purpose of military service in their own country before the expiration of 60 days after the date of the exchange of ratifications of this convention, if liable to military service in the country in which they are at said date; or if not so liable, then before the expiration of 30 days after the time when liability shall accrue; or as to those holding certificates of exemption under article 3 of this convention, before the expiration of 30 days after the date on which any such certificate becomes inoperative unless sooner renewed; or as to those who apply for certificates of exemption under article 3, and whose applications are refused, then before the expiration of 30 days after the date of such refusal, unless the application be sooner granted.

3. The Government of the United States and the Government of France may, through their respective diplomatic representatives, issue certificates of exemption from military service to citizens of the United States in France and citizens of France in the United States, respectively, upon application or otherwise, within 60 days from the date of the exchange of ratifications of this convention or within 30 days from the date when such citizens become liable to

military service in accordance with article 1. Such certificates may be special or general, temporary or conditional, and may be modified, renewed, or revoked in the discretion of the government granting them. Persons holding such certificates shall, so long as the certificates are in force, not be liable to military service in the country in which they are.

4. Persons who possess both French and American nationality shall be regarded for the purpose of this convention as possessing exclusively the nationality of the country in which they are.

5. The French Government and the Government of the United States will, respectively, so far as possible facilitate the return of citizens of the United States and French citizens who may desire to return to their own country for military service but shall not be responsible for providing transport or the cost of transport for such persons.

6. No citizen of either country who, under the provisions of this convention enters the military service of the other shall, by reason of such service, be considered, after this convention shall have expired or after his discharge, to have lost his nationality or to be under any allegiance to the United States or to the Government of France, as the case may be.

7. The present convention shall be ratified by the President of the French Republic, and by the President of the United States of America by and with the advice and consent of the Senate of the United States and the ratifications shall be exchanged at Washington as soon as possible. It shall come into operation on the date on which the ratifications are exchanged and shall remain in force until either country shall cease to be a co-belligerent in the present war. Whereupon any citizen of either country incorporated into military service under this convention shall be discharged therefrom.

In witness whereof the respective plenipotentiaries have signed the present convention and have affixed thereto their seals.

Done at Washington in duplicate the-----day of-----.

LANSING

File No. 811.2222/4194b

The Secretary of State to the Ambassador in Italy (Page)

[Telegram]

WASHINGTON, February 16, 1918.

1078. Your 1412, February 11,¹ conscription convention. We have agreed with Great Britain and Canada as to two separate conscription conventions, and I am desirous of negotiating an agreement as nearly identical as possible with Italy. On account of the changes in the conventions with Great Britain and Canada, I have prepared a new draft of a proposed convention between the United States and Italy which is practically identical with the conventions mentioned. This draft is appended to this telegram.²

¹Ante p. 671.

²Not printed; similar to draft proposed for France, *supra*.

It will be observed from this draft that I have incorporated Italy's suggested change in article 3 by adding the words "or by other authorities appointed for that purpose by the respective Governments."

It will also be observed that the article regarding deserters has been omitted entirely. This has been done for the reason that it has been found unnecessary even with Canada to have an article regarding deserters in the convention and because this Government is unwilling to extend the provision so as to include persons who have deserted prior to the date of ratification of the agreement, as they are now covered by the enlarged ages for military service in the United States. In any event it would be impracticable to have the provision apply also to deserters from merchant vessels. It is believed, therefore, by this Government, to be most feasible not to have in the convention any provision regarding deserters. If the Italian Government feels that the insertion of an article regarding deserters is essential to the convention, this Government would be pleased to be informed of the fact, as in that case it would be unnecessary to continue further negotiations. If, however, the Italian Government is willing to omit the provision regarding deserters, the United States Government desires that it be understood that should American forces containing Italians go to the Italian front, Italians in such forces would not be regarded or treated by Italy as deserters.

This Government is pleased to state that the convention is drafted so as to meet the wishes of the Italian Government in regard to Italian citizens who have taken out first papers of American citizenship and are subject to the United States Selective Service Act of May 18, 1917. Under the proposed convention such persons as well as all others under the convention would be given an option to return home for military service, should they so desire.

As to article 8 proposed by the Italian Government, this Government finds it impossible to accede thereto, for the reason that the questions of salaries, allowances, pensions, et cetera, are matters involving appropriations of public moneys and extensive legislation and therefore properly to be considered by both Houses of Congress rather than to be settled by the Executive and the Senate in a treaty.

As to article 9 proposed by the Italian Government, this Government believes that the matters therein provided for might preferably be left to the determination of the Government concerned without mentioning them in the treaty. It is understood that Italians having military obligations to fulfill at home may voluntarily enlist here in the United States Army at any time. The wide range of ages

(20 to 40 years, both inclusive) in the draft convention hereto attached, for military service in the United States appears to meet the desires of the Italian Government on this point.

As to article 10, the Government of the United States prefers to omit this article for the reason that legislation is now pending in Congress to facilitate the reentry into the United States of citizens or subjects of the Entente Powers who have become inadmissible on account of disabilities received during military service in the war. As this is a matter dealing with immigration into the United States which must receive the consideration of both Houses of Congress, and as legislation on the subject is now pending, it would be inadvisable to insert the proposed article 10 in the convention.

I am sure that the addition of the proposed articles 8, 9, and 10 would delay the approval of the treaty by the Senate, and perhaps endanger its consummation. No articles like these appear in the conventions between the United States and Great Britain and Canada, and it is essential for purposes of administration to have the conscription conventions between the United States and the Entente Powers as nearly uniform as possible. It will be appreciated that to apply several conventions of different character to as many nationalities, respectively, in the United States would lead to endless confusion and insuperable administrative difficulties, on account of the large number of aliens in the United States. I trust, therefore, that the Italian Government will appreciate these difficulties and be willing to enter into an agreement with the United States such as I have appended hereto.

On account of drastic legislation for military service of aliens now pending in Congress, which has been suspended for two weeks to await outcome of negotiations with Entente Powers, and which will come up for consideration again the first part of next week, it is necessary for me to know by next Saturday, February 23, whether the Italian Government believes it possible to reach an agreement as to a conscription convention in accordance with the foregoing.

LANSING

File No. 811.2222/4195

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, *February 18, 1918.*

[*Received 10.08 p. m.*]

8720. Your 6565, February 14. Following note dated February 18 received from Foreign Office:

I have the honour to acknowledge the receipt of Your Excellency's note of the 15th instant regarding the proposed military service con-

vention between the United States of America and Great Britain, and I note with pleasure that Your Excellency's Government have seen their way to accept the amendments proposed in my note of the 11th instant.

Accordingly authorized His Majesty's High Commissioner at Washington by telegraph on the 16th instant to sign the convention on the 18th instant as desired by Your Excellency's Government.

I would, however, observe that I have instructed Lord Reading to point out to Mr. Lansing that it was always my intention that the convention should be signed in London, and for that reason the stipulation was included in article 8 that ratifications should be exchanged at Washington. This provision was inserted in order to save time, my purpose being to forward to Lord Reading the ratification signed by the King immediately after signature had taken place here so that as soon as the Senate had decided that the convention should be ratified, exchange could take place at Washington on a day to be fixed when Parliament was in session at Westminster. Your Excellency will appreciate that His Majesty's Government are precluded by the terms of the "Military Service Conventions with Allied States" Act from applying the Military Service Acts to United States citizens in Great Britain until 60 days after the convention is laid before Parliament, that is, the convention must lie on the tables of the two Houses for 30 days before the order in council applying the Military Service Acts can be made, and the Military Service Acts only become operative 30 days after the signature of the order in council.

It is, however, stipulated in the convention that the convention shall come into operation on the date upon which ratifications are exchanged, and for this reason therefore it is essential that the exchange of ratifications shall take place on the same date on which the convention is laid before the British Parliament.

I would observe that if the convention is both signed and ratified at Washington, delay may arise, since it will be necessary for Lord Reading to send to me the signed original for verification before I can present it to the King for His Majesty's ratification, and when this has been done the ratification must then be sent to Washington for exchange. It will also be easier to arrange for exchange of ratifications here to coincide with the laying of the convention before Parliament.

I have therefore requested Lord Reading to suggest that it might be well that ratifications should be exchanged in London and the consequential amendment made in article 8 of the convention.

With regard to article 3 of the convention, I have the honour to state that His Majesty's Government concur in the alteration of the words "attained military age" to "become liable to military service," and that with regard to article 4 His Majesty's Government agree to it being understood that the question of how far Irishmen shall be subjected to military service in the United States will be left to the discretion of the United States Government.

I would, however, take this opportunity to point out with reference to article 4, that with regard to part (b) of the definition of Canadians as stated in your note the word "not" would appear to have been omitted between the words "were" and "born."

I would add that I have also authorized Lord Reading to exchange notes with regard to article 1 in the manner proposed on page 4 of Your Excellency's note of the 31st ultimo.

See Department's telegram 6390, January 30, 4 p. m.¹

As regards the signature of the Canadian convention I have the honour to observe that I am not aware whether the Canadian Government would raise any objection to the amendments in articles 2 and 3 desired by the United States Government (Mr. Lansing's reference to article 4 in this connection would appear to have been made through oversight, since article 4 in the British convention does no more than except Canadians from the British convention). The competent department of His Majesty's Government have, however, explained the position to the Government of the Dominion and have expressed the earnest hope that they will raise no objection to the proposed amendments, and I have accordingly authorized Lord Reading to sign the convention as amended, unless he receives notice to the contrary from the Government of Canada. The place of exchange of ratifications of the Canadian convention will necessarily follow on the decision taken by the United States Government as to the ratification of the British convention.

PAGE

File No. 811.2222/4679d

The Secretary of State to President Wilson

THE PRESIDENT: The undersigned, the Secretary of State, has the honor to lay before the President with a view to their transmission to the Senate, if his judgment approve thereof, to receive the advice and consent of that body to their ratification, a convention between the United States and Great Britain signed at Washington on the 19th day of February, 1918 (together with an exchange of notes relating to article 1 thereof), stipulating for the reciprocal military service of citizens of the United States in Great Britain and British subjects in the United States and a convention between the United States and Great Britain signed on the same day stipulating for the reciprocal military service of citizens of the United States in Canada and Canadians in the United States. These conventions have been negotiated in conjunction with the War Department and have its approval.

These conventions are in effect practically alike and give persons under them the option to return to their own country for military service within certain limited periods, after the expiration of which such persons become subject to military service under the laws and regulations of the country in which they choose to remain, provided that for British and Canadians in the United States the ages for military service are 20 to 40 years, both inclusive, and in respect to Americans in Great Britain and Canada the ages for

¹ *Ante*, p. 665.

military service are limited to 21 to 30 years, both inclusive—the ages mentioned in the Selective Service Act of May 18, 1917. On account of the differences in ages for military service under the laws of the various cobelligerent countries, it has been deemed, for administrative purposes and efficient execution of the convention, that the ages for military service of cobelligerent aliens in the United States should be the same for all countries, namely, 20 to 40 years, both inclusive.

These conventions also give the right of the contracting parties to exempt their subjects abroad from military service, if they so desire. The remaining provisions of the conventions are self-explanatory and need not be reviewed here.

I am pleased to submit these conventions as the result of my efforts so far to reach by agreement with the Entente Powers an understanding as to military service of their subjects in the United States and of American citizens abroad. Independent action on the part of the United States in respect to compulsory military service of friendly aliens in this country without an agreement of this sort with their governments would be not only a violation of treaties with certain of these Powers, but would subject their subjects to treatment which they might regard as harsh and unbecoming in a country engaged with them in the prosecution of the common cause. Such independent action on the part of the United States would, of course, invite independent action on the part of these powers in respect to compulsory military service for Americans abroad within the age limits there prevailing instead of within the age limits prevailing in the United States, as provided in these conventions.

It is contemplated that conventions as nearly as possible like those with relation to Great Britain and Canada will be concluded with Italy, France, and other countries, and negotiations to that end are now in progress.

Respectfully submitted.

ROBERT LANSING

WASHINGTON, *February 20, 1918.*

[Enclosure 1¹]

*Convention Providing for Reciprocal Military Service of Citizens of the United States and British Subjects*²

The President of the United States of America, and His Majesty the King of the United Kingdom of Great Britain and Ireland and

¹ Copy of convention not found in files. The text printed is taken from Senate Executive Document No. 1, 65th Cong., 2d sess.

² Signed by the plenipotentiaries but not ratified. Final convention printed *post*, p. 708.

of the British Dominions beyond the Seas, Emperor of India, being convinced that for the better prosecution of the present war it is desirable that citizens of the United States in Great Britain and British Subjects in the United States shall either return to their own country to perform military service in its army or shall serve in the army of the country in which they remain, have resolved to enter into a Convention to that end and have accordingly appointed as their Plenipotentiaries:

The President of the United States of America, Robert Lansing, Secretary of State of the United States; and

His Britannic Majesty, The Earl of Reading, Lord Chief Justice of England, High Commissioner and Ambassador Extraordinary and Plenipotentiary on Special Mission,

Who, after having communicated to each other their respective full powers found to be in proper form, have agreed upon and concluded the following articles:—

ARTICLE I

All male citizens of the United States in Great Britain and all male British subjects in the United States shall, unless before the time limited by this Convention they enlist or enroll in the forces of their own country or return to the United States or Great Britain respectively for the purpose of military service, be subject to military service and entitled to exemption or discharge therefrom under the laws and regulations from time to time in force of the country in which they are: *Provided, that* in respect to British Subjects in the United States the ages for military service shall be for the time being twenty to forty years, both inclusive.

ARTICLE II

Citizens of the United States and British Subjects within the age limits aforesaid who desire to enter the military service of their own country must, after making such application therefor as may be prescribed by the laws or regulations of the country in which they are, enlist or enroll or must leave Great Britain or the United States as the case may be for the purpose of military service in their own country before the expiration of sixty days after the date of the exchange of ratifications of this Convention, if liable to military service in the country in which they are at the said date; or if not so liable, then before the expiration of thirty days after the time when liability shall accrue; or as to those holding certificates of exemption under Article III of this Convention, before the expiration of thirty days after the date on which any such certificate becomes inoperative unless sooner renewed; or as to those who apply for certificates of exemption under Article III and whose applications are refused, then

before the expiration of thirty days after the date of such refusal, unless the application be sooner granted.

ARTICLE III

The Government of the United States and His Britannic Majesty's Government may through their respective Diplomatic Representatives issue certificates of exemption from military service to citizens of the United States in Great Britain and British Subjects in the United States respectively, upon application or otherwise, within sixty days from the date of the exchange of ratifications of this Convention, or within thirty days from the date when such citizens or subjects become liable to military service in accordance with Article I provided that the applications be made or the certificates be granted prior to their entry into the military service of either country.

Such certificates may be special or general, temporary or conditional, and may be modified, renewed, or revoked in the discretion of the Government granting them. Persons holding such certificates shall, so long as the certificates are in force, not be liable to military service in the country in which they are.

ARTICLE IV

This Convention shall not apply to British Subjects in the United States (*a*) who were born or naturalized in Canada, and who, before proceeding to the United States, were ordinarily resident in Great Britain or Canada or elsewhere outside the British Dominions; or (*b*) who were not born or naturalized in Canada, but who, before proceeding to the United States, were ordinarily resident in Canada.

ARTICLE V

Persons who possess both American and British nationality shall be regarded, for the purposes of this Convention, as possessing exclusively the nationality of the country in which they are.

ARTICLE VI

The Government of the United States and His Britannic Majesty's Government will, respectively, so far as possible, facilitate the return of British Subjects and citizens of the United States who may desire to return to their own country for military service, but shall not be responsible for providing transport or the cost of transport for such persons.

ARTICLE VII

No citizen or subject of either country who, under the provisions of this Convention, enters the military service of the other, shall, by reason of such service, be considered, after this Convention shall have expired or after his discharge, to have lost his nationality or to

be under any allegiance to His Britannic Majesty or to the United States as the case may be.

ARTICLE VIII

The present Convention shall be ratified by the President of the United States of America by and with the advice and consent of the Senate of the United States and by His Britannic Majesty, and the ratifications shall be exchanged at Washington or at London as soon as possible. It shall come into operation on the date on which the ratifications are exchanged, and shall remain in force until either country shall cease to be a cobelligerent in the present war; whereupon any subject or citizen of either country incorporated into military service under this Convention shall be discharged therefrom.

IN WITNESS WHEREOF the respective Plenipotentiaries have signed the present Convention and have affixed thereto their Seals.

DONE in duplicate at Washington the nineteenth day of February, in the year of our Lord one thousand nine hundred and eighteen.

[SEAL]

ROBERT LANSING

[SEAL]

READING

[Enclosure 2¹]

*Convention Providing for Reciprocal Military Service of Citizens of the United States and Canadians*²

The President of the United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, Emperor of India, being convinced that for the better prosecution of the present war it is desirable that citizens of the United States in Canada and Canadian British subjects in the United States shall either return to their own country to perform military service in its army or shall serve in the army of the country in which they remain, have resolved to enter into a convention to that end and have accordingly appointed as their Plenipotentiaries:

The President of the United States of America, Robert Lansing, Secretary of State of the United States, and

His Britannic Majesty, The Earl of Reading, Lord Chief Justice of England, High Commissioner and Ambassador Extraordinary and Plenipotentiary on Special Mission,

Who, after having communicated to each other their respective full powers found to be in proper form, have agreed upon and concluded the following articles:

¹ Copy of convention not found in files. The text printed is taken from Senate Executive Document No. 1, 65th Cong., 2d sess.

² Signed by the plenipotentiaries but not ratified. Final convention printed *post*, p. 714.

ARTICLE I

All male citizens of the United States in Canada (hereinafter called Americans) and all male British subjects in the United States (a) who were born or naturalized in Canada, and who, before proceeding to the United States, were ordinarily resident in Great Britain or Canada or elsewhere outside the British Dominions; or (b) who were not born or naturalized in Canada, but who, before proceeding to the United States, were ordinarily resident in Canada (hereinafter called Canadians) shall, unless before the time limited by this Convention they enlist or enroll in the forces of their own country or return to the United States or Canada, respectively, for the purpose of military service, be subject to military service and entitled to exemption or discharge therefrom under the laws and regulations, from time to time in force, of the country in which they are: *Provided*, that in respect to Americans in Canada, the ages for military service shall be for the time being twenty-one to thirty years, both inclusive, and in respect to Canadians in the United States the ages for military service shall be for the time being twenty to forty years, both inclusive.

ARTICLE II

Americans and Canadians within the age limits aforesaid who desire to enter the military service of their own country must enlist or enroll, or must leave Canada or the United States, as the case may be, for the purpose of military service in their own country before the expiration of sixty days after the date of the exchange of ratifications of this Convention, if liable to military service in the country in which they are at the said date; or, if not so liable, then before the expiration of thirty days after the time when liability shall accrue; or, as to those holding certificates of exemption under Article III of this Convention, before the expiration of thirty days after the date on which any such certificate becomes inoperative unless sooner renewed; or as to those who apply for certificates of exemption under Article III, and whose applications are refused, then before the expiration of thirty days after the date of such refusal, unless the application be sooner granted.

ARTICLE III

The Government of the United States, through the Consul General at Ottawa, and His Britannic Majesty's Government through the British Ambassador at Washington may issue certificates of exemption from military service to Americans and Canadians, respectively,

upon application or otherwise, within sixty days from the date of the exchange of ratifications of this Convention or within thirty days from the date when such citizens or subjects become liable to military service in accordance with Article I, provided that the applications be made or the certificates be granted prior to their entry into the military service of either country. Such certificates may be special or general, temporary or conditional and may be modified, renewed, or revoked in the discretion of the Government granting them. Persons holding such certificates shall, so long as the certificates are in force, not be liable to military service in the country in which they are.

ARTICLE IV

Persons who possess both American and British nationality shall be regarded for the purposes of this Convention as possessing exclusively the nationality of the country in which they are.

ARTICLE V

The Government of the United States and the Government of Canada will, respectively, so far as possible facilitate the return of Canadians and Americans who may desire to return to their own country for military service, but shall not be responsible for providing transport or the cost of transport for such persons.

ARTICLE VI

No citizen or subject of either country who, under the provisions of this Convention, enters the military service of the other shall, by reason of such service be considered, after this Convention shall have expired or after his discharge, to have lost his nationality or to be under any allegiance to the United States or to His Britannic Majesty as the case may be.

ARTICLE VII

The present Convention shall be ratified by the President of the United States of America by and with the advice and consent of the Senate of the United States and by His Britannic Majesty and the ratifications shall be exchanged at Washington or at London as soon as possible. It shall come into operation on the date on which the ratifications are exchanged and shall remain in force until either country shall cease to be a cobelligerent in the present war; whereupon any citizen or subject of either country incorporated into military service under this Convention shall be discharged therefrom.

IN WITNESS WHEREOF the respective Plenipotentiaries have signed the present Convention and have affixed thereto their seals.

DONE in duplicate at Washington the nineteenth day of February in the year of our Lord one thousand nine hundred and eighteen.

[SEAL]

ROBERT LANSING

[SEAL]

READING

[Enclosure 3¹]

The British Ambassador on Special Mission (Reading) to the Secretary of State

WASHINGTON, February 19, 1918.

SIR: With reference to the military service convention between the United States and Great Britain signed today, I am instructed by His Majesty's Government to explain why the proviso to article 1 does not limit the military service of citizens of the United States in Great Britain to those between the ages of 21 to 30, both inclusive, as requested by the United States Government. The reason for the omission of this clause in the proviso is a desire to avoid the delay that would be involved in modifying the Military Service Acts 1916 and 1917, which control the operation of any convention of this character.

The effect of these acts is to make United States citizens in Great Britain under this convention liable to military service between the ages of 18 and 40 both inclusive. The limitation of the ages of United States citizens in Great Britain for the purposes of military service to those between the ages of 21 to 30 both inclusive, may, however, be attained without amendment of these acts by the exercise by the United States of its right of exemption under article 3.

His Majesty's Government understand, therefore, that the United States Government will exercise their right under article 3 to exempt from compulsory military service in Great Britain all citizens of the United States in Great Britain, outside the ages of 21 to 30, both inclusive.

I have [etc.]

READING

[Enclosure 4²]

The Secretary of State to the British Ambassador on Special Mission (Reading)

WASHINGTON, February 19, 1918.

EXCELLENCY: I have the honor to acknowledge the receipt of Your Excellency's note of this date in regard to the military service con-

¹ Filed separately under File No. 811.2222/13064.

² Filed separately under File No. 811.2222/13528c.

vention between the United States and Great Britain signed today, in which you state that you are instructed to explain why the proviso to article 1 does not limit the military service of citizens of the United States in Great Britain to those between the ages of 21 to 30, both inclusive, as requested by the United States Government. In explanation Your Excellency states as follows:

The reason for the omission of this clause in the proviso is a desire to avoid the delay which would be involved in modifying the Military Service Acts 1916 and 1917, which control the operation of any convention of this character.

The effect of these acts is to make United States citizens in Great Britain under this convention liable to military service between the ages of 18 and 40, both inclusive. The limitation of the ages of United States citizens in Great Britain for the purposes of military service to those between the ages of 21 to 30, both inclusive, may, however, be attained without amendment of these acts by the exercise by the United States of its right of exemption under article 3.

Your Excellency adds that

His Majesty's Government understands, therefore, that the United States Government will exercise its right under article 3 to exempt from compulsory military service in Great Britain all citizens of the United States in Great Britain, outside the ages of 21 to 30, both inclusive.

In reply I have the honor to inform Your Excellency that the Government of the United States is pleased to accept this explanation of said article 1 and in lieu of a clause in this article limiting the military service of citizens of the United States in Great Britain to those between the ages of 21 to 30, both inclusive, to exercise its right under article 3 to exempt from compulsory military service in Great Britain all citizens of the United States in Great Britain outside of the ages of 21 to 30, both inclusive.

I have [etc.]

ROBERT LANSING

File No. 811.2222/4462

The Ambassador in France (Sharp) to the Secretary of State

[Telegram]

PARIS, February 23, 1918.

[Received February 24, 7.49 p. m.]

3242. My 3224, February 20, 11 p. m.¹ Foreign Office has replied that while there has been no time in which to consult with the Minister of War regarding the convention proposed in your telegram No. 3193, [February] 16,² nevertheless the Foreign Office accepts

¹ Not printed.

² Ante, p. 677.

the text as submitted, reserving, however, its consent regarding the age limit for French citizens as mentioned in article 1, "in respect to citizens of France in the United States the ages for military service shall be for the time being 20 to 40 years." On this point the Minister for Foreign Affairs states that without having an assurance of agreement from the Minister of War to accept a determination as to military obligations of Frenchmen which differs from the requirements of the recruiting law, it would not be possible to consent definitely to the age limit determined by the proposed convention. This question must be submitted to a special examination with a view to determining whether a modification can be made. In the meantime it is understood that the matter has been brought by the Foreign Office to the attention of the Minister of War with the request that a decision be made as quickly as possible. It is estimated that the minimum and maximum age limits for military service should be for French citizens that which is prescribed by the French Legation [*legislation*].

Monsieur Pichon asks this further question in his note, namely, whether the Federal Government intends to require the return to the United States of American citizens of military age who desire to serve in their National Army, or whether on the contrary their incorporation in the American troops in France would not seem preferable. Should this be the case article 5 of the proposed new convention would have to be modified if this affectation [*disposition?*] of Americans residing in France was considered as the normal procedure.

In a previous note from Monsieur Pichon, which crossed with the communication made him in conformity with your telegram No. 3193, [February] 16, he states, and he adheres thereto in his note now in question, that in article 3 it seems advisable to specify that the Embassies of both Powers shall respectively be qualified to deliver certificates of exemption; this authority would thus present itself under its normal aspect, whereas, according to the English text it might be understood as facultative.

Monsieur Pichon's note further states that there are a few minor details which would appear to warrant precision when drawing up the French text of the convention, such for instance as the translation of the word "application" in article 2 by the word "declaration," which would seem more appropriate in French to express the spontaneous character and normal purpose of a step which the American authorities consider as a necessary formality, and he expresses the belief that it would be very easy for the Counselor of this Embassy and the Under-Director at the Foreign Office to agree on a French version of the convention which will translate exactly

the intentions of the American Government rather than following the English text to the letter.

The Minister terminates in stating that he would be happy if the present communication permits the American Government to inform Congress that the French Government accepts in its entirety the proposal which I have communicated in my Government's name.

SHARP

File No. 811.2222/4464

The Ambassador in Italy (Page) to the Secretary of State

[Telegram]

ROME, February 23, 1918.

[Received February 24, 1.05 p. m.]

1430. Your 1078, 16th.¹ Foreign Office communicates this morning that after considering above-mentioned telegram they are willing to endeavor to reach agreement under following conditions:

- (1) That Italians also be permitted to retain qualification of citizens, in place of subjects, so as prevent confusion with Italian colonial subjects not held under obligation of service in realm as citizens are;
- (2) That age limits for military service be possibly extended, as far as Italians are concerned, from 18 to 44 years to accord with Italian draft and mobilization laws.

It is to this obligation, determined by article 1 of the agreement, that clause of article 2, "if liable to military service in the country in which they are," naturally referred.

NELSON PAGE

File No. 811.2222/4613b

The Secretary of State to the Ambassador in Italy (Page)

[Telegram]

WASHINGTON, February 26, 1918, 4 p. m.

1089. Your 1430, February 23. Please express to the Foreign Minister my appreciation of the friendly attitude of the Italian Government as shown by their practical acceptance of my proposal to enter into a military service convention along the lines of the draft convention submitted in my February 16.¹ I accept the Italian suggestion to change the word "subject" wherever it occurs in the convention to "citizen," so as to make the convention inapplicable to Italian colonial subjects. It is understood that in thus limiting the application of the convention American citizens residing in such

¹Ante, p. 679.

colonies will also be excluded from the convention. I would like to have an assurance from the Italian Government to that effect.

If it were practicable to do so I would be pleased to accept the second suggestion of the Italian Government to have the age limits for military service of Italians in the United States 18 to 44 years, but I am advised by the War Department that it will be impossible at the present time to modify the standard ages of 20 to 40 years both inclusive, which it had adopted after the most careful consideration for reasons of efficient administration in the United States of the various conventions as explained in next to the last paragraph by my telegram of February 16. I think the Italian Government will readily appreciate the necessity for uniformity in these conventions with the cobelligerents in order that they can be carried out with the least delay, and with the greatest effect in the United States. I would therefore be pleased if the Italian Government were able to accede to the American proposal as to the ages of 20 to 40 years both inclusive, so that the Italian convention will, in this respect, be identical with the other conventions entered into with the cobelligerents.

The Counselor of the Italian Embassy has stated, under instructions from his Government, that Italians going abroad in the service of the United States should not be refused readmission into the United States on account of the immigration laws against the admission of illiterate immigrants. The Counselor was shown the bill now pending in Congress which specifically covers this point, and it seemed to be satisfactory to him.

It is understood that the Italian Government is willing that Italians going abroad in the service of the United States should not be regarded or treated by Italy as deserters from its forces, as suggested in my telegram of February 16. If this understanding coincides with that of the Italian Government I would be pleased to have a specific assurance from it on this point in order to allay the apprehension of Italians in this country who might be subject to military service under the proposed convention.

If the foregoing is acceptable to the Italian Government I would like to sign the convention here at the earliest possible moment and trust that the Italian Government will be able to telegraph authority therefor to the Italian Ambassador here.

For your information. Before signing the proposed convention it is necessary for us to have the two assurances from the Italian Government specified above. Please endeavor to obtain these and telegraph them to me immediately.

Also endeavor to ascertain informally whether the Italian Government would be willing to relieve the relatives of Italians in the

United States who have not returned for military service from the penal taxes which are being levied for this offense, if such Italians should choose to serve in the National Army.

LANSING

File No. 811.2222/5503

The Ambassador in Italy (Page) to the Secretary of State

[Telegram]

ROME, *March 10, 1918.*

[*Received 10 p. m.*]

1462. Department's 1089. Following this morning from Minister Foreign Affairs:

I have taken notice of consent of United States Government to restoration in text of agreement on military service of word "citizen" in place of Italian "subject." Italian Government agrees willingly, moreover, that this agreement shall not apply to American citizens who at date of its stipulation reside in Italian colonies. I can also assure you that Italians in armed forces of the United States will not be considered and dealt with by the Royal Italian authorities as deserters.

The Italian Government does not insist, in view of considerations set forth, on the age limits which it has proposed as corresponding to the mobilized classes of the Kingdom for the obligation of military service of Italians in United States, but hopes the American Government will place no obstacle in way of voluntary enlistment of those compatriots, who although not comprised in agreed limits have nevertheless military obligations in Italy, as has already been explicitly conceded in our agreement with British Government.

The projected proposals announced to me concerning readmission into United States of Italians who leave it with American armed forces will apply without doubt in same way to other citizens of the Kingdom included in the agreement who return to their country to serve in National Army, and what is more, the Italian Government is confident the above-mentioned proposals extend very justly to those also who, performing their duties as good citizens, become repatriated previous to this agreement by responding to call to arms of their own classes.

As stated in my note of February 22 the Italian Government is moreover confident that that equality of treatment that was expressly agreed upon in our agreement with England will be accorded in every way to our countrymen who have become enrolled in the American Army.

According to desire expressed to me necessary instructions are being sent Count di Cellere (previous [*after*] declarations conforming to those which I have had the honor to address to you) in order that he may proceed without delay to signing of agreement, possibly in two texts, Italian and English.

NELSON PAGE

File No. 811.2222/6231

The Ambassador in France (Sharp) to the Secretary of State

[Telegram]

PARIS, March 25, 1918, midnight.

[Received March 26, 4.12 a. m.]

3445. My 3242, 23d February. Have received further communication dated 25th instant, from Foreign Office, complete translation of which reads as follows:

I did not fail to acquaint the President of the Council with Your Excellency's communication under date of February 27 last, relative to the convention to be concluded in regard to military service.

Mr. Clemenceau has just replied that he, like myself, in order to attest to the Federal Government our earnest desire to facilitate, for the American authorities, the carrying out of such conventions, waive the few modifications which it seemed expedient to make to the Franco-American draft, notably to articles 3 and 5.

Upon one point only, the Minister of War has not found it possible to adhere to the point of view of the Federal Government. This is in regard to the determination of the military obligations of Frenchmen. Whereas the proposed convention stipulated the draft age as from 20 to 40, the President of the Council deems it indispensable, *de jure* and *de facto*, strictly to observe the regulations laid down by the French recruiting laws.

If in the French-British convention of October 4, 1917, the Government of the Republic has consented not to provide for the obligatory incorporation in the British Army of French territorial reservists by accepting the age limits as from 18 to 41 years, it is because these limits, more comprehensive in fact than those of the French-American project, were those provided by English law. Notwithstanding the drawbacks pertaining to such a concession, the French Government deemed it expedient to agree thereto in order to facilitate the task of the British Government.

Regarding the agreement now to be concluded, the Federal Government did not request its allies, and consequently France, to accept the limits fixed by its own recruiting law. It is therefore admitted in the United States that Allied nationals may be incorporated in the Federal Army at an age far exceeding [that] at which American citizens ceased to be subject to service. The President of the Council is pleased to believe that instead of age limits which correspond neither to American law nor to French law, the Federal Government will accept those decreed by the latter law, in compliance with which people of France residing in the United States must, in default of their voluntary return under their flag, be obligatorily incorporated in the American ranks.

The peculiar circumstances, the perils she was threatened with, obliged her, even in times of peace, to exact from all her sons a considerable effort, greater than that which most of the European states had to face. To shelter those men of 40 to 48 years residing in the United States who have not yet felt the call of their Fatherland from the heavy tribute of blood which our men of mature age,

as well as younger ones, have been paying for nearly four years upon French territory would, contrary indeed to the amicable intentions of the Federal Government, endanger rewarding those Frenchmen who have failed their duty, to ratify in a way their defection at the moment when an opportunity is offered them to try to make reparation.

I would greatly esteem being able to inform the Minister that Your Excellency has been pleased to point out to the Federal Government the interest which the Government of the Republic attaches to the observation in the premises of its recruiting law.

SHARP

File No. 811.2222/9206a

*The Secretary of State to the British Ambassador on Special Mission
(Reading)*

WASHINGTON, May 3, 1918.

MY DEAR MR. AMBASSADOR: Referring to our conversations in respect to amendments to the military service conventions with Great Britain and Canada, I wish to make the following proposals to your Government.

In the first place I should call attention to the feeling among members of the Senate that the British convention should contain the ages for military service for Americans in Great Britain, namely 21 to 30 years, both inclusive, as well as the ages for military service of British subjects in the United States. It is true that the omission of the American ages is explained by an exchange of notes, but the Senators feel, I imagine, that it is quite as difficult to modify the military service act of the United States to comply with the convention as it would be for Great Britain to modify her laws so as to allow the American ages to be stated specifically in the treaty. I am, therefore, under the necessity of proposing that the convention be amended so as to contain the American age limits, if this can be done without unnecessarily delaying the conclusion of the convention.

In the second place, in view of the fact that the Irish conscription law will not become effective until an order in council has been issued, which may in a measure depend upon the legislation in Parliament respecting home rule, I would suggest that a further proviso be added to article 1 of the British convention to read as follows:

And provided further that no British subject in the United States and no citizen of the United States in Great Britain who, before proceeding to the United States or Great Britain respectively, was ordinarily resident in a place where the law does not impose compulsory military service shall, by virtue of this convention, be liable to military service under the laws and regulations of the United States or Great Britain, respectively.

If this suggestion is adopted it would, I presume, necessitate a slight change in the phraseology of article 4 of the British convention and article 1 of the Canadian convention.

In the third place, I have to suggest that article 5 of the British convention and article 4 of the Canadian convention be omitted. I am advised that the tentative rule of nationality laid down in these articles could be as well included in the regulations of the War Department for the government of the local boards, and that the objects of these provisions would thereby be fully attained in the United States. I trust it may be possible for the corresponding regulations of Great Britain to contain the same rule.

In the fourth place, at the suggestion of certain members of the Senate I would propose that the final article of both the British and Canadian conventions should be modified so as to read as follows:

The present convention shall be ratified by the President of the United States of America by and with the advice and consent of the Senate of the United States and by His Britannic Majesty, and the ratifications shall be exchanged at Washington or at London as soon as possible. It shall come into operation on the date on which the ratifications are exchanged, and shall remain in force until the expiration of 60 days after either of the contracting parties shall have given notice of termination to the other; whereupon any subject or citizen of either country incorporated into the military service of the other under this convention shall be as soon as possible discharged therefrom.

In view of the great agitation in the United States for making aliens of cobelligerent nationalities subject to military service either here or at home, and considering the growing impatience of proponents of such measures at the delay in concluding military service conventions, I would urge that our Governments reach, at the earliest moment an agreement upon the points I have set forth herein.

Will you not convey to your Government, therefore, my earnest desire that these conventions be brought to a prompt conclusion.

I am [etc.]

ROBERT LANSING

File No. 811.2222/10905

The British Ambassador on Special Mission (Reading) to the Secretary of State

No. 585

WASHINGTON, May 29, 1918.

MY DEAR MR. SECRETARY: With further reference to your note of May 3, relating to amendments in the military service conventions between the United States and Great Britain and Canada, I beg to inform you that I have received an answer from my Government, to whom I had submitted the proposals which you made.

In the first place, with regard to the suggestion that the British convention should state explicitly the age limits for military service for American citizens in Great Britain, I regret to say that, having regard to the state of business in Parliament, my Government find it impossible to meet you on this point. I therefore beg you to be good enough not to press this proposal.

Secondly, I am prepared to accept the proviso to the first article of the British convention, which you set out in your letter, subject to this small amendment, that, after the words "resident in a place," there should be inserted the words: "in the British Empire or in the United States and its possessions, respectively."

Further, I have to suggest that there should be added to article 1 of the British convention this yet further proviso:

Provided further That in the event of compulsory military service being applied to any part of the British Empire, in which military service at present is not compulsory, British subjects who, before proceeding to the United States were ordinarily resident in such part of the British Empire, shall, unless they enlist or enrol in the British Army in the manner aforesaid, be liable to military service according to the laws and regulations of the United States.

This proviso is unnecessary as far as Ireland is concerned, in view of the provisions of the recent British Man-Power Act; but it may be useful, in case conscription is hereafter applied to other parts of the Empire.

In the third place, I agree to the omission of article 5 of the British convention.

Fourthly, I am prepared to accept the final article of both the British and Canadian conventions, with the amendments which you propose.

With regard to the Canadian convention, it would appear that, having regard to the possible application of conscription to Ireland and, it may be, to other parts of the Empire, the definition of "Canadians" in article 1 of this convention and in article 4 of the British convention, requires amendment.

I therefore propose that after the words "resident in Great Britain or Canada" in the definition referred to, there should be inserted "or in any other part of the British Empire to which conscription may be hereafter by law applied."

I am glad to say that the Canadian Government accept all the other amendments which affect their convention, viz., the deletion of article 4 and the amendment of article 7. I hope that this substantial agreement with regard to the amendments which you have proposed will make it possible to sign the new convention at an early date.

I am [etc.]

READING

File No. 811.2222/13528e

The Secretary of State to President Wilson

WASHINGTON, June 4, 1918.

THE PRESIDENT: On March 20, you requested the Senate to return to you for reconsideration the two conventions between the United States and Great Britain signed on the 19th day of February, 1918, in respect to military service of British subjects in the United States and citizens of the United States in Great Britain and Canada, which conventions had been transmitted by you to the Senate on February 20, to receive the advice and consent of the Senate to their ratification. On March 21, the Senate returned to you these conventions, and since that date negotiations with the British Government have been pressed with a view to making certain changes in their phraseology. These negotiations having been concluded, the undersigned, the Secretary of State, has the honor to resubmit to you the amended conventions¹ with a view to their transmission to the Senate, unless you perceive objection thereto, for the advice and consent of that body to their ratification. I also enclose an exchange of notes² relative to article 1 of the convention relating to citizens of the United States in Great Britain, which notes are self-explanatory.

In the renewed negotiations it was sought to modify the earlier conventions, if possible, by having inserted the American age limits for compulsory military service in the United States; by making the conventions inapplicable to subjects of Great Britain who were not liable to compulsory military service at home; by amending or omitting the article in respect to the determination of questions of "dual nationality," and by modifying the clause providing for the termination of the convention. In all these points the negotiations have proceeded satisfactorily, except as to the first, in respect to which it has again been necessary to make an exchange of notes setting forth the reasons for the omission in the British convention of the age limits within which American citizens in Great Britain would be subject to compulsory military service. The conventions have also been modified in order to make them applicable to subjects of Great Britain in the United States from parts of the British Dominions which have adopted or may hereafter adopt compulsory military service, and also to citizens of the United States in Great Britain or Canada within the age limits which might hereafter be adopted for compulsory military service in the United States.

¹ *Post*, pp. 708, 714.

² *Post*, p. 712.

A few minor verbal changes which it is not necessary to mention specifically have also been made in the interest of precision and clearness of expression.

Respectfully submitted.

ROBERT LANSING

File No. 811.2222/5503

The Secretary of State to the Ambassador in Italy (Page)

[Telegram]

WASHINGTON, June 11, 1918, 3 p. m.

1425. Your 1462, March 10,¹ military service convention. Conventions with Great Britain and Canada have been modified in certain particulars, and in the interest of having the conventions with the Entente Powers as nearly uniform as possible I have to propose to the Italian Government the following corresponding changes in the convention telegraphed you in Department's February 16:²

Article 1. Proviso at end of article 1 changed to read:

Provided that in respect to citizens of Italy in the United States the ages for military service shall be for the time being 20 to 44 years both inclusive, and in respect to citizens of the United States in Italy the ages for military service shall be the ages specified in the laws of the United States prescribing compulsory military service.

I trust there will be no objection to advancing the ages from 40 to 44 years in respect to Italians. The change in respect to ages of Americans is made in order to cover possible changes by Congress in the age limits of the existing draft laws.

The British convention contained these further two provisos to article 1:

Provided however that no citizen of the United States in Great Britain and no British subject in the United States who, before proceeding to Great Britain or the United States respectively, was ordinarily resident in a place in the possessions of the United States or in His Majesty's Dominions respectively, where the law does not impose compulsory military service shall by virtue of this convention, be liable to military service under the laws and regulations of Great Britain or the United States, respectively; *Provided* further that in the event of compulsory military service being applied to any part of His Majesty's Dominions in which military service at present is not compulsory, British subjects who, before proceeding to the United States were ordinarily resident in such part of His Majesty's Dominions, shall thereupon be included within the terms of this convention.

These provisos do not appear in the Canadian convention for obvious reasons, and it is assumed they will be unnecessary in the

¹Ante, p. 695.

²Ante, p. 679.

Italian convention. I have, however, mentioned them for the information of the Italian Government. The Italian Government may desire to have these provisos inserted in the convention as it does not wish the convention to apply to the Italian colonies, and as I understand from Foreign Minister Sonnino's note of March 9 last,¹ this convention reciprocally will not apply to American citizens who reside in the colonies of the Kingdom.

Article 4. This article is omitted entirely as it seems unnecessary since it may, if desirable, be inserted in the regulations of the War Department. I hope the Italian Government will be able to agree to this omission, as I have reason to believe that the omission of this article will facilitate the approval of the convention by the Senate.

Article 7. Last two sentences changed to read:

It shall come into operation on the date on which the ratifications are exchanged and shall remain in force until the expiration of 60 days after either of the contracting parties shall have given notice of termination to the other; whereupon any citizen of either country incorporated into the military service of the other under this convention shall be as soon as possible discharged therefrom.

These changes are self-explanatory, and I trust the Italian Government may see their way to adopt them.

I understand from Foreign Minister Sonnino's note of March 9 last that Italians in the military service of the United States will not be considered or treated by Italy as deserters, or otherwise liable to punishment or penalty for failure to perform military service in the armed forces of Italy.

For your own information. Have you had any expression of opinion by the Italian Government as to exemption of relatives in Italy of Italians in the United States who have not returned for military service from penal taxes, in case such Italians should choose to serve in the armed forces of the United States? See last paragraph of my 1089 of February 26 last.²

LANSING

File No. 811.2222/6231

The Secretary of State to the Ambassador in France (Sharp)

[Telegram]

WASHINGTON, June 11, 1918, 3 p. m.

4481. Your 3445, March 25,³ and mail despatch 6110, March 26,⁴ military service convention. Conventions with Great Britain and Canada have been modified in certain particulars and in the interest

¹ Transmitted in telegram of Mar. 10 from the Ambassador in Italy, *ante*, p. 695.

² *Ante*, p. 693.

³ *Ante*, p. 696.

⁴ Not printed; see the Ambassador's telegram No. 3445, *ante*, p. 696.

of having the conventions with the Entente Powers as nearly uniform as possible I have to propose to the French Government the following corresponding changes in the convention telegraphed you in Department's February 16:¹

Article 1. Proviso at end of article 1 changed to read:

Provided that in respect to citizens of France in the United States the ages for military service shall be for the time being 20 to 44 years both inclusive, and in respect to citizens of the United States in France the ages for military service shall be the ages specified in the laws of the United States prescribing compulsory military service.

Out of consideration for the French desire to have the ages for military service of Frenchmen under the convention increased to 48 years, I have been able to obtain the agreement of Great Britain, Canada, and Italy to the ages of 20 to 44 both inclusive as indicated, as it is indispensable to have uniformity of ages for military service under these conventions, and as the ages for military service in Italy do not extend beyond 44 years, I feel confident that the French Government will upon reconsideration agree to the proviso quoted, in order to facilitate the task of the American Government. The change in respect to ages for military service of Americans is made in order to cover possible changes by Congress in the age limits of the existing draft laws. The British convention contained these further two provisos to article 1:

Provided however that no citizen of the United States in Great Britain and no British subject in the United States who, before proceeding to Great Britain or the United States respectively, was ordinarily resident in a place in the possessions of the United States or in His Majesty's Dominions respectively, where the law does not impose compulsory military service shall by virtue of this convention, be liable to military service under the laws and regulations of Great Britain or the United States, respectively; *Provided* further that in the event of compulsory military service being applied to any part of His Majesty's Dominions in which military service at present is not compulsory, British subjects who, before proceeding to the United States were ordinarily resident in such part of His Majesty's Dominions, shall thereupon be included within the terms of this convention.

These provisos do not appear in the Canadian convention for obvious reasons, and it is assumed they will be unnecessary in the French convention. I have, however, mentioned them for the information of the French Government.

Article 4. This article is omitted entirely as it seems unnecessary since it may if desirable be inserted in the regulations of the War Department. I hope the French Government will be able to agree to this omission, as I have reason to believe that the omission of

¹ *Ante*, p. 677.

this article will facilitate the approval of the convention by the Senate.

Article 7. Last two sentences changed to read:

It shall come into operation on the date on which the ratifications are exchanged and shall remain in force until the expiration of 60 days after either of the contracting parties shall have given notice of termination to the other; whereupon any citizen of either country incorporated into the military service of the other under this convention shall be as soon as possible discharged therefrom.

These changes are self-explanatory and I trust the French Government may see their way to adopt them.

In concluding this agreement I desire to obtain a formal written assurance that Frenchmen in the military service of the United States will not be regarded or treated by France as deserters or otherwise liable to punishment or penalty for failure to perform military service in the armed forces of France. LANSING

File No. 811.2222/12463a

*The Secretary of State to the Ambassador in France (Sharp)*¹

[Telegram]

WASHINGTON, June 27, 1918, 10 a. m.

4784. Your [*Department's*] 4481, June 11, 3 p. m., military service convention. Please urge immediate reply, as it is expected Congress may adjourn within the next few days until August. It is of the greatest importance to agree upon text and sign convention at once in order that it may be presented, if possible, to Senate before it adjourns.

There is no possibility of having War Department here adopt French ages for military service, on account of administrative difficulties. LANSING

File No. 811.2222/12574

The Ambassador in Italy (Page) to the Secretary of State

[Telegram]

ROME, June 30, 1918, 1 p. m.

[Received July 1, 7.33 p. m.]

1787. Your 1495, 27th.² Minister of Foreign Affairs communicates following:³

¹ The same, *mutatis mutandis*, on the same date, with last sentence omitted, to the Ambassador in Italy, No. 1495. (File No. 811.2222/12463b.)

² See footnote 1, *supra*.

³ Corrections based on enclosure to despatch No. 942, July 2. (File No. 811.2222/12396.)

Mr. Ambassador. In reply to the note No. 2060, that you addressed to me, dated the 13th instant,¹ I have the honor to communicate to you as follows:

Relative to article 1 of the proposed convention for military service, I note with pleasure that the Government of the United States, acceding in part to the point of view of the Government of the King, is disposed to extend its application to Italians up to the age of 44 years. It would seem, however, preferable that for Italians in the United States there should be adopted a generic reference to the laws of the Kingdom, not differing from the formula now proposed by Your Excellency for citizens of the United States in Italy, thus returning in substance to the formula already proposed by Your Excellency in your note No. 1901, of the 9th January 1918.²

With reference to the colonies, the Royal Government of His Majesty has no objection to the convention being applied to Americans resident in Italian colonies, and to Italian citizens who, prior to going to the United States, might be resident in the territory of the same; only natives, the colonial subjects of the Kingdom, are actually exempt from military service obligations. Having settled in the above sense the previous communications on this subject, the insertion in the convention of any clause whatever regarding the colonial possessions seems superfluous.

As to article 4, the Royal Government, in order to please the Government of the United States, consents to its suppression; however, the Government of His Majesty the King would consider it preferable to keep the clause, it appearing more opportune to appreciate [*anticipate*] and resolve by common accord, rather than on one's own account in the respective settlements, controversies to which the said article refers.

We have no objection to the modification of article 8 proposed by Your Excellency.

Finally, we cannot consider [*have considered*] it opportune to put in a clearer light, as indeed follows from the last clause of article 3, than the extra [*that an explicit*] reference to eventual exonerations, referred to in article 3, should be referred to in the first part of article 1 of the convention.

The Ambassador at Washington has been telegraphed to in the above sense. Sonnino.

NELSON PAGE

File No. 811.2222/12596

The Ambassador in Italy (Page) to the Secretary of State

[Telegram]

ROME, July 2, 1918, 1 p. m.

[Received 6.39 p. m.]

1796. Your telegram 1089,³ received 18th [February 28?] and my despatch No. 917, June 4.⁴ Foreign Office today communicates following: Tax ruled in Italy for exemption military service cannot be

¹ See telegram of June 11 to the Ambassador in Italy, *ante*, p. 701.

² See footnote 1, *ante*, p. 662.

³ *Ante*, p. 693.

⁴ Not printed.

levied on those Italian citizens found to have no longer the status of shirker or deserter, and [who] do military service in American Army. As a result said Italian citizens are able to obtain complete remittal of the tax provided they have certificate from American military authorities to the effect that they are serving in American Army. Full details by mail.

NELSON PAGE

File No. 811.2222/13528h

The Secretary of State to the Chargé in Great Britain (Laughlin)

WASHINGTON, July 3, 1918.

SIR: An understanding having been reached that the exchange of ratifications of the two military conventions between the United States and Great Britain signed at Washington on June 3, 1918, one in respect to the compulsory military service of citizens of the United States in Great Britain and British subjects in the United States, and the other in respect to compulsory military service of citizens of the United States in Canada and Canadian citizens in the United States, shall take place at London, I enclose herewith the President's instruments of ratification of the two conventions¹ for exchange for the like ratifications of the King of Great Britain. I also enclose the President's two full powers authorizing you to effect the two exchanges.¹ A separate protocol of exchange should be signed in each case, and I further enclose, for your information, the form of protocol which is used at Washington. As soon as the exchange of ratifications has been effected it is desired that the Department be advised of the fact by cable.

The Senate having given its advice and consent to the ratification of the convention in respect to compulsory military service of citizens of the United States in Great Britain and British subjects in the United States on the condition that the ratifications thereof should not be exchanged until the Government of the United States by the President shall, by a general certificate, in accordance with the provisions of article 3 of the convention, exempt from military service citizens of the United States in Great Britain who are outside the ages of compulsory military service specified from time to time in the laws of the United States, for United States citizens, the President has signed in four originals a general certificate meeting this condition, two originals of which are sent to you herewith,² one of which is to be retained in the Embassy, and the other to be transmitted to the British Secretary of State for Foreign Affairs in the manner hereinafter stated. The certificates are undated, and it is desired that they should bear the date of the day on which the

¹ Not printed.

² Post, p. 717.

exchange of ratifications takes place. You are therefore requested to insert that date in the two copies of the certificate enclosed herewith, and after the exchange of ratifications and on the same day, to transmit one of the copies to the British Secretary of State for Foreign Affairs as a formal notification to the Government of Great Britain given through you as provided in article 3 of the convention that all citizens of the United States in Great Britain outside the ages specified from time to time in the laws of the United States prescribing compulsory military service for United States citizens are and shall be exempt from compulsory military service in Great Britain.

For the information of the British Government you may add that the ages for compulsory military service of citizens of the United States specified in the existing laws of this country, are 21 to 30, both inclusive.

I am [etc.]

ROBERT LANSING

File No. 811.2222/12898

The Greek Minister (Roussos) to the Secretary of State

[Translation]

AIDE-MÉMOIRE

I have the honor to inform the Department of State that my Government, to which I forwarded the text of the military convention agreed to by the United States of America and Great Britain, is ready to sign a similar convention with the Government of the United States.

However, I beg the Government of the United States kindly to examine the suggestion it makes in this connection which it believes worthy of its benevolent attention considering the grounds from which it springs.

The Royal Government is taking concern at the slowness, caused by the circumstances and the imperative needs of the Allies, with which the equipment and armament needed by the Greek Army are supplied. The mobilization of the Greek Army has been very much retarded, and has been effected in very small part, only because of the lack of needed supplies and equipment.

This condition causes the Government an apprehension that the enemy forces will be increased in the Balkans by German, Austrian, and Turkish forces. The activity lately displayed on the Balkan front, and the successes of the Allied troops will necessarily cause the Germans to aid their allies in every way, and this might create a dangerous situation which the Allies engaged on the western front may not be able to remedy by sending adequate reinforcements.

The United States still maintaining relations with Bulgaria will also be unable to send reinforcements.

In order to meet this difficulty the Royal Government submits to the examination of the Government of the United States the plan of forming with Greeks of military age, regiments, the men of which would be Greek subjects, and the corps of officers and non-commissioned officers exclusively American.

These regiments would form part of the American forces, and fight as American regiments without intervention of any kind on the part of Greece.

The usefulness of such a formation would be apparent only in case of a serious threat on the Balkan front, which would call for reinforcements which the Allies could not send. These troops made up of Greek subjects would only need a change of officers in order to become Greek troops, and be sent to the Balkans where they would strengthen the front without raising any question whatever.

I indulge the hope that this suggestion of the Royal Government, inspired only by the concern taken in the above-stated situation, will be examined with the attention it deserves, and if it is accepted, as I hope it may be, it might be settled through a separate agreement.

Among the Greeks living in America and liable to military service there are a small number of reserve officers and non-commissioned officers. As the Government of the United States cannot commission aliens as officers, the Royal Government begs the Government of the United States kindly to provide for the transportation of these men to a French port, whence they would be sent on to Greece. It involves a contingent of a few hundreds of men, the transportation of whom, even on cargo vessels, could be provided for without causing the least inconvenience.

WASHINGTON, *July 17, 1918.*

Treaty Series No. 633

Convention between the United States and Great Britain Relating to Military Service of Citizens of the United States in Great Britain and of British Subjects in the United States, Signed at Washington, June 3, 1918¹

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS a Convention between the United States of America and the United Kingdom of Great Britain and Ireland, providing for the reciprocal military service of citizens of the United States in

¹ Ratification advised by the Senate, June 24, 1918; ratified by the President, June 28, 1918; ratified by Great Britain, July 1, 1918; ratifications exchanged at London, July 30, 1918; proclaimed July 30, 1918.

Great Britain and British subjects in the United States, was concluded and signed by their respective Plenipotentiaries at Washington on the third day of June, one thousand nine hundred and eighteen, the original of which Convention is word for word as follows:

The President of the United States of America, and His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, being convinced that for the better prosecution of the present war it is desirable that citizens of the United States in Great Britain and British Subjects in the United States shall either return to their own country to perform military service in its army or shall serve in the army of the country in which they remain, have resolved to enter into a Convention to that end and have accordingly appointed as their Plenipotentiaries:

The President of the United States of America, Robert Lansing, Secretary of State of the United States; and

His Britannic Majesty, The Earl of Reading, Lord Chief Justice of England, High Commissioner and Ambassador Extraordinary and Plenipotentiary on Special Mission to the United States,

who, after having communicated to each other their respective full powers found to be in proper form, have agreed upon and concluded the following Articles:—

ARTICLE I

All male citizens of the United States in Great Britain and all male British Subjects in the United States shall, unless before the time limited by this Convention they enlist or enroll in the forces of their own country or return to the United States or Great Britain respectively for the purpose of military service, be subject to military service and entitled to exemption or discharge therefrom under the laws and regulations from time to time in force of the country in which they are: *Provided* that in respect to British Subjects in the United States the ages for military service shall be for the time being twenty to forty-four years, both inclusive;

Provided however that no citizen of the United States in Great Britain and no British Subject in the United States who, before proceeding to Great Britain or the United States respectively, was ordinarily resident in a place in the possessions of the United States or in His Majesty's Dominions respectively, where the law does not impose compulsory military service shall, by virtue of this Convention, be liable to military service under the laws and regulations of Great Britain or the United States, respectively;

Provided further that in the event of compulsory military service being applied to any part of His Majesty's Dominions in which mili-

tary service at present is not compulsory, British Subjects who, before proceeding to the United States were ordinarily resident in such part of His Majesty's Dominions, shall thereupon be included within the terms of this Convention.

ARTICLE II

Citizens of the United States and British Subjects within the age limits aforesaid who desire to enter the military service of their own country must, after making such application therefor as may be prescribed by the laws or regulations of the country in which they are, enlist or enroll or must leave Great Britain or the United States as the case may be for the purpose of military service in their own country before the expiration of sixty days after the date of the exchange of ratifications of this Convention, if liable to military service in the country in which they are at the said date; or if not so liable, then before the expiration of thirty days after the time when liability shall accrue; or as to those holding certificates of exemption under Article III of this Convention, before the expiration of thirty days after the date on which any such certificate becomes inoperative unless sooner renewed; or as to those who apply for certificates of exemption under Article III and whose applications are refused, then before the expiration of thirty days after the date of such refusal, unless the application be sooner granted.

ARTICLE III

The Government of the United States and His Britannic Majesty's Government may through their respective Diplomatic Representatives issue certificates of exemption from military service to citizens of the United States in Great Britain and British Subjects in the United States respectively, upon application or otherwise, within sixty days from the date of the exchange of ratifications of this Convention, or within thirty days from the date when such citizens or subjects become liable to military service in accordance with Article I, provided that the applications be made or the certificates be granted prior to their entry into the military service of either country.

Such certificates may be special or general, temporary or conditional, and may be modified, renewed, or revoked in the discretion of the Government granting them. Persons holding such certificates shall, so long as the certificates are in force, not be liable to military service in the country in which they are.

ARTICLE IV

This Convention shall not apply to British Subjects in the United States (*a*) who were born or naturalized in Canada, and who, before

proceeding to the United States, were ordinarily resident in Great Britain or Canada or in any other part of His Majesty's Dominions to which compulsory military service has been or may be hereafter by law applied, or outside the British Dominions; or (b) who were not born or naturalized in Canada, but who, before proceeding to the United States, were ordinarily resident in Canada.

ARTICLE V

The Government of the United States and His Britannic Majesty's Government will, respectively, so far as possible, facilitate the return of British Subjects and citizens of the United States who may desire to return to their own country for military service, but shall not be responsible for providing transport or the cost of transport for such persons.

ARTICLE VI

No citizen or subject of either country who, under the provisions of this Convention, enters the military service of the other, shall, by reason of such service, be considered, after this Convention shall have expired or after his discharge, to have lost his nationality or to be under any allegiance to His Britannic Majesty or to the United States as the case may be.

ARTICLE VII

The present Convention shall be ratified by the President of the United States of America by and with the advice and consent of the Senate of the United States and by His Britannic Majesty, and the ratifications shall be exchanged at Washington or at London as soon as possible. It shall come into operation on the date on which the ratifications are exchanged, and shall remain in force until the expiration of sixty days after either of the contracting parties shall have given notice of termination to the other; whereupon any subject or citizen of either country incorporated into the military service of the other under this Convention shall be as soon as possible discharged therefrom.

IN WITNESS WHEREOF the respective Plenipotentiaries have signed the present Convention and have affixed thereto their seals.

DONE in duplicate at Washington the third day of June, in the year of our Lord one thousand nine hundred and eighteen.

ROBERT LANSING [SEAL]

READING [SEAL]

AND WHEREAS the said Convention has been duly ratified on both parts and the ratifications of the two governments were exchanged in the City of London, on the thirtieth day of July, one thousand nine hundred and eighteen;

NOW, THEREFORE, BE IT KNOWN THAT I, WOODROW WILSON, President of the United States of America, have caused the said Convention to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE in the District of Columbia this thirtieth day of July in the year of our Lord one thousand nine hundred and [SEAL] eighteen, and of the Independence of the United States of America the one hundred and forty-third.

WOODROW WILSON

By the President:

FRANK L. POLK

Acting Secretary of State.

[Exchange of notes relating to Article I]

The British Ambassador on Special Mission (Reading) to the Secretary of State

WASHINGTON, June 3, 1918.

SIR: With reference to the Military Service Convention between the United States and Great Britain signed today, I am instructed by His Majesty's Government to explain why the proviso to Article One does not limit the military service of citizens of the United States in Great Britain to those of the ages specified in the laws of the United States prescribing compulsory military service, as requested by the United States Government. The reason for the omission of this clause in the proviso is a desire to avoid the delay that would be involved in modifying the Military Service Acts 1916 to 1918, which control the operation of any convention of this character. I beg you, therefore, to be good enough not to press this proposal.

The effect of these Acts is to make United States citizens in Great Britain under this convention liable to military service between the ages of 18 and 49 both inclusive. The limitation of the ages of United States citizens in Great Britain for the purpose of military service to those prescribed in the laws of the United States relating to compulsory military service may, however, be attained without amendment of these Acts by exercise of the United States of its right of exemption under Article Three.

His Majesty's Government understand, therefore, that the United States Government will exercise their right under Article Three to exempt from compulsory military service in Great Britain all citizens

of the United States in Great Britain, outside the ages specified in the laws of the United States prescribing compulsory military service.

I have [etc.]

READING

*The Secretary of State to the British Ambassador on Special Mission
(Reading)*

WASHINGTON, June 3, 1918.

EXCELLENCY: I have the honor to acknowledge the receipt of Your Excellency's note of this date in regard to the Military Service Convention between the United States and Great Britain signed today, in which you state that you are instructed to explain why the proviso to Article One does not limit the military service of citizens of the United States in Great Britain to those of the ages specified in the laws of the United States prescribing compulsory military service as requested by the United States Government. In explanation Your Excellency states as follows:

The reason for the omission of this clause in the proviso is a desire to avoid the delay which would be involved in modifying the Military Service Acts 1916 to 1918, which control the operation of any convention of this character. I beg you therefore to be good enough not to press this proposal.

The effect of these Acts is to make United States citizens in Great Britain under this convention liable to military service between the ages of 18 and 49 years, both inclusive. The limitation of the ages of United States citizens in Great Britain for the purposes of military service to those prescribed in the laws of the United States relating to compulsory military service may, however, be attained without amendment of these Acts by the exercise by the United States of its right of exemption under Article Three.

Your Excellency adds that

His Majesty's Government understand, therefore, that the United States Government will exercise its rights under Article Three to exempt from compulsory military service in Great Britain all citizens of the United States in Great Britain, outside the ages specified in the laws of the United States prescribing compulsory military service.

In reply I have the honor to inform Your Excellency that the Government of the United States is pleased to accept this explanation of said Article One and in lieu of a clause in this Article limiting the military service of citizens of the United States in Great Britain to those of the ages specified in the laws of the United States prescribing compulsory military service to exercise its right under Article Three to exempt from compulsory military service in Great Britain all citizens of the United States in Great Britain outside of

the ages specified in the laws of the United States prescribing compulsory military service.

I have [etc.]

ROBERT LANSING

Treaty Series No. 634

*Convention between the United States and Great Britain Relating to Military Service of Citizens of the United States in Canada and of Canadians in the United States, Signed at Washington, June 3, 1918*¹

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS a Convention between the United States of America and the United Kingdom of Great Britain and Ireland, providing for the reciprocal military service of citizens of the United States in Canada and Canadians in the United States, was concluded and signed by their respective Plenipotentiaries at Washington on the third day of June, one thousand nine hundred and eighteen, the original of which Convention is word for word as follows:

The President of the United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, Emperor of India being convinced that for the better prosecution of the present war it is desirable that citizens of the United States in Canada and Canadian British subjects in the United States shall either return to their own country to perform military service in its army or shall serve in the army of the country in which they remain, have resolved to enter into a Convention to that end and have accordingly appointed as their Plenipotentiaries:

The President of the United States of America, Robert Lansing, Secretary of State of the United States, and

His Britannic Majesty, The Earl of Reading, Lord Chief Justice of England, High Commissioner and Ambassador Extraordinary and Plenipotentiary on Special Mission to the United States,

who, after having communicated to each other their respective full powers found to be in proper form, have agreed upon and concluded the following Articles:

ARTICLE I

All male citizens of the United States in Canada (hereinafter called Americans) and all male British subjects in the United States

¹ Ratification advised by the Senate, June 24, 1918; ratified by the President, June 28, 1918; ratified by Great Britain, July 1, 1918; ratifications exchanged at London, July 30, 1918; proclaimed, July 30, 1918.

(a) who were born or naturalized in Canada, and who, before proceeding to the United States, were ordinarily resident in Great Britain or Canada or in any other part of His Majesty's Dominions to which compulsory military service has been or may be hereafter by law applied, or outside the British Dominions; or (b) who were not born or naturalized in Canada, but who, before proceeding to the United States, were ordinarily resident in Canada (hereinafter called Canadians) shall, unless before the time limited by this Convention they enlist or enroll in the forces of their own country or return to the United States or Canada, respectively, for the purpose of military service, be subject to military service and entitled to exemption or discharge therefrom under the laws and regulations, from time to time in force, of the country in which they are: *Provided*, that in respect to Americans in Canada, the ages for military service shall be the ages specified in the laws of the United States prescribing compulsory military service, and in respect to Canadians in the United States the ages for military service shall be for the time being twenty to forty-four years, both inclusive.

ARTICLE II

Americans and Canadians within the age limits aforesaid who desire to enter the military service of their own country must enlist or enroll, or must leave Canada or the United States, as the case may be, for the purpose of military service in their own country before the expiration of sixty days after the date of the exchange of ratifications of this Convention, if liable to military service in the country in which they are at the said date; or, if not so liable, then before the expiration of thirty days after the time when liability shall accrue; or, as to those holding certificates of exemption under Article III of this Convention, before the expiration of thirty days after the date on which any such certificate becomes inoperative unless sooner renewed; or as to those who apply for certificates of exemption under Article III, and whose applications are refused, then before the expiration of thirty days after the date of such refusal, unless the application be sooner granted.

ARTICLE III

The Government of the United States, through the Consul General at Ottawa, and His Britannic Majesty's Government through the British Ambassador at Washington may issue certificates of exemption from military service to Americans and Canadians, respectively, upon application or otherwise, within sixty days from the date of the exchange of ratifications of this Convention or within thirty days from the date when such citizens or subjects become liable to military service in accordance with Article I, provided that the applications

be made or the certificates be granted prior to their entry into the military service of either country. Such certificates may be special or general, temporary or conditional and may be modified, renewed, or revoked in the discretion of the Government granting them. Persons holding such certificates shall, so long as the certificates are in force, not be liable to military service in the country in which they are.

ARTICLE IV

The Government of the United States and the Government of Canada will, respectively, so far as possible facilitate the return of Canadians and Americans who may desire to return to their own country for military service, but shall not be responsible for providing transport or the cost of transport for such persons.

ARTICLE V

No citizen or subject of either country who, under the provisions of this Convention, enters the military service of the other shall, by reason of such service be considered, after this Convention shall have expired or after his discharge, to have lost his nationality or to be under any allegiance to the United States or to His Britannic Majesty as the case may be.

ARTICLE VI

The present Convention shall be ratified by the President of the United States of America by and with the advice and consent of the Senate of the United States and by His Britannic Majesty and the ratifications shall be exchanged at Washington or at London as soon as possible. It shall come into operation on the date on which the ratifications are exchanged and shall remain in force until the expiration of sixty days after either of the contracting parties shall have given notice of termination to the other; whereupon any citizen or subject of either country incorporated into the military service of the other under this Convention shall be as soon as possible discharged therefrom.

IN WITNESS WHEREOF the respective Plenipotentiaries have signed the present Convention and have affixed thereto their seals.

DONE in duplicate at Washington the third day of June in the year of our Lord one thousand nine hundred and eighteen.

ROBERT LANSING [SEAL]

READING [SEAL]

AND WHEREAS the said Convention has been duly ratified on both parts and the ratifications of the two governments were exchanged in the City of London, on the thirtieth day of July, one thousand nine hundred and eighteen;

NOW, THEREFORE, BE IT KNOWN THAT I, WOODROW WILSON, President of the United States of America, have caused the said Convention to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE in the District of Columbia this thirtieth day of July in the year of our Lord one thousand nine hundred and [SEAL] eighteen, and of the Independence of the United States of America the one hundred and forty-third.

WOODROW WILSON

By the President:

FRANK L. POLK

Acting Secretary of State.

File No. 811.2222/13045

Certificate of Exemption from Military Service of Certain Citizens of the United States in Great Britain

GENERAL CERTIFICATE

WHEREAS, the Convention concluded on June 3, 1918, between the Government of the United States and the Government of Great Britain in respect to compulsory military service of the citizens or subjects of either party in the territories of the other, provides in Article III that:

“The Government of the United States and His Britannic Majesty’s Government may through their respective diplomatic representatives issue certificates of exemption from military service to citizens of the United States in Great Britain and British subjects in the United States, respectively, upon application or otherwise, within 60 days from the date of the exchange of ratifications of this convention, or within 30 days from the date when such citizens or subjects become liable to military service in accordance with Article I, provided that the applications be made or the certificates be granted prior to their entry into the military service of either country.

“Such certificates may be special or general, temporary or conditional, and may be modified, renewed, or revoked in the discretion of the Government granting them. Persons holding such certificates shall, so long as the certificates are in force, not be liable to military service in the country in which they are;”

AND WHEREAS, by an exchange of notes dated June 3, 1918, between the parties of said Convention in relation to Article I thereof, it is understood that the Government of the United States will exercise its right under Article III to exempt from compulsory mili-

tary service in Great Britain all citizens of the United States in Great Britain outside of the ages specified in the laws of the United States prescribing compulsory military service for citizens of the United States.

NOW, THEREFORE, I, WOODROW WILSON, President of the United States of America, by virtue of authority of Article III of said Convention, hereby certify, in the name of the Government of the United States, that all citizens of the United States in Great Britain outside the ages specified from time to time in the laws of the United States prescribing compulsory military service for citizens of the United States are and shall be exempt from compulsory military service in Great Britain.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE in the District of Columbia this thirtieth day of July in the year of our Lord one thousand nine hundred and eighteen
 [SEAL] and of the independence of the United States of America the one hundred and forty-third.

WOODROW WILSON

By the President:

ROBERT LANSING

Secretary of State.

File No. 811.2222/13528a

The Acting Secretary of State to the French Ambassador (Jusserand)

No. 2195

WASHINGTON, August 3, 1918.

EXCELLENCY: I have the honor to acknowledge the receipt of Your Excellency's note of the 18th instant [*ultimo?*]¹ in respect to the signature of the convention between the United States and France for compulsory military service of the citizens of either country in the territory of the other and in respect to the status of French delinquents inducted into the military service of the United States.

I understand that Your Excellency states in effect that delinquents who have not responded to the colors or who have deserted are immune from French jurisdiction while they are in the military service of the United States and wear the American uniform under Mr. Ribot's note of August [*April?*] 27, 1917, to Mr. Sharp² and

¹ Not found in the files.

² Not found in the files. According to a note of July 8, 1918, from the French Minister for Foreign Affairs to the American Ambassador in France, transmitted in the latter's despatch No. 6411 of July 11, communicating the same information as is referred to above, the date of Mr. Ribot's note was Apr. 27, 1917. (File No. 811.2222/12914.)

the exchange of notes between Your Excellency and the Secretary of State of January 3 and 14 last;¹ that delinquents who have not registered at the consulates for the French draft or have not answered the call to colors and who are residing in the United States and shall have served during the war in the ranks of the United States at the French front, will be considered as having met proportionately the military obligations put upon them by the law of France in accordance with Mr. Ribot's note of August [April?] 27, 1917, and the circular of the French Ministry of War of June 3, 1915; that delinquents who have deserted from the French military forces *before* the United States entered the war and who stay in or return to France at the close of hostilities, will not be absolved from trial by court martial for their offense, but the military courts will be recommended to take into account any service rendered by them at the French front; and that delinquents who have deserted from the French military forces *after* the United States entered the war will be considered as coming under the terms of the exchange of notes between the Secretary of State and Your Excellency, of June 7 and July 3 last.²

Taking into account the assurances of the French Government, and the understandings arrived at by the exchange of notes of January 3, and 14, and June 7, and July 3, of this year, I shall be pleased to proceed to the signature of the convention for compulsory military service, but the United States desires not to be understood as having waived its right of interposition should particular cases arise after the war on behalf of Frenchmen who may have become naturalized citizens of the United States, in accordance with its traditional attitude toward the expatriation and naturalization of aliens in the United States and its policy of giving naturalized citizens of the United States while abroad the same protection as is accorded to native-born citizens.

Accept [etc.]

FRANK L. POLK

File No. 811.2222/13528d

The Department of State to the Greek Legation

AIDE-MÉMOIRE

The Department of State has the honor to acknowledge the receipt of the informal note of the Greek Minister to Mr. Phillips of May 29,³ and the *aide-mémoire* of the Royal Legation of Greece of July 17, 1918,⁴ and to state in reply that the Acting Secretary of State would be pleased to sign, as soon as possible, with the

¹ *Post*, pp. 735, 736. ² *Post*, pp. 745, 746. ³ Not printed. ⁴ *Ante*, p. 707.

Minister of Greece a military service convention in the language of the text herewith enclosed. If the Royal Legation will furnish the Department with the Greek text of the enclosed convention the Department will be glad to have the convention prepared in both the Greek and English languages for signature, at the earliest possible moment.¹

The Department of State is in a position to reply in part to the suggestions made in the note of May 29, and the *aide-mémoire* of July 17. However convenient it might seem to be to have Greek soldiers transported from here to Greece and to have them organized here in Greek units under American or Greek officers, the War Department finds itself unable to concur in these proposals. I shall be pleased to answer your further suggestion in respect to the transportation to France by this Government of a few hundred Greek officers in the United States as soon as the decision of the competent authorities thereon has been reached.

WASHINGTON, August 5, 1918.

File No. 811.2222/13499a

The Secretary of State to the Italian Ambassador (Macchi di Cellere)

WASHINGTON, August 15, 1918.

MY DEAR MR. AMBASSADOR: In respect to the proposed military service convention between the United States and Italy, I desire to clarify the understanding of our Governments in respect to the proviso of article 1, stating that in respect to citizens of the United States the ages shall be those specified in the laws of the United States prescribing compulsory military service. Under the selective service laws of the United States you are, no doubt, aware that the ages fixed for compulsory military service of citizens of the United States are those attained at the particular dates set for registration by proclamation of the President; thus American citizens subject to compulsory military service in the United States are those who, on June 5, 1917 (the date of the President's first proclamation regarding registration), had attained their twenty-first birthday, and had not attained their thirty-first birthday, and those who, since June 5, 1917, and on or before June 5, 1918 (the date of the President's second proclamation regarding registration), had attained their twenty-first birthday. It is to American citizens in these classes in Italy to whom the convention will apply, until the President shall issue from time to time subsequent proclamations requir-

¹ Convention printed *post*, p. 729.

ing registration of other classes of Americans, whereupon those classes will come within the scope of the convention.

I trust that your Government will appreciate the necessity on the part of the United States of retaining this classification of American citizens as to ages in order not to confuse the registration machinery in the United States and abroad, and will consequently concur in this interpretation of the proposed convention. This is the understanding which has been arrived at with Great Britain on this point.

A second point which I am desirous of having clearly understood is that registration for military service in the United States of those American citizens who attained military age on June 5, 1917, or June 5, 1918, as above mentioned, shall be regarded as "enrollment" within the meaning of that term in the convention, so that such citizens who have registered, or who shall hereafter register in the United States or abroad will not be subject to Italian military service laws. They will then, in fact, have complied with the clause in article 1 reading, "unless before the time limited by this convention they enlist or enroll in the forces of their own country for the purpose of military service." The term "enrollment" has been used in the convention with Great Britain and Canada with this understanding.

I shall be pleased if you will be good enough to advise me of your Government's concurrence in these two interpretations of the convention.

I am [etc.]

ROBERT LANSING

File No. 811.2222/1317524

The Italian Ambassador (Macchi di Cellere) to the Secretary of State

[Translation]

No. 2112

WASHINGTON, August 19, 1918.

[Received August 20.]

MR. SECRETARY OF STATE: Your Excellency was pleased in connection with the contemplated military convention between Italy and the United States, to advise me, by your note of the 15th instant, of the precise meaning attached by the Government of the United States to that part of article 1 which provides that in regard to citizens of the United States the limits of military age shall be those set by the laws of the United States relative to obligatory military service.

[Here follows the substance of the Secretary's note of August 15, *supra*.]

I therefore have the honor to assure you that the Royal Government will put upon the age limit for the enrollment of American citizens in Italy and upon the phrase "they enroll" the interpreta-

tion put by the Government of the United States upon those two points of the military convention soon to be concluded between Italy and the United States that have been made clear in the note which I have the honor to answer.

Accept [etc.]

MACCHI DI CELLERE

File No. 365.117/649

The Secretary of State to the Italian Ambassador (Macchi di Cellere)

No. 456

WASHINGTON, *October 15, 1918.*

EXCELLENCY: I have the honor to inform Your Excellency of the receipt of a letter of September 26, from Representative W. Frank James,¹ in which he inquires whether naturalized American citizens of Italian birth, who on account of the nature of their employment, are exempted from military service or given deferred classification under the Selective Service Act, would in the event of their return to Italy, be treated as deserters because of their failure to respond to the call to service in Italy.

I shall be pleased to receive an expression of your views regarding the matter.

Accept [etc.]

ROBERT LANSING

File No. 367.117/653½

The Italian Ambassador (Macchi di Cellere) to the Secretary of State

[Translation]

No. 2538

WASHINGTON, *October 17, 1918.*

MR. SECRETARY OF STATE: In reply to Your Excellency's note No. 456, of the 15th instant, I have the honor to inform Your Excellency that the military status under the law of Italy of persons of Italian extraction naturalized as American citizens, and exempted or discharged from the military service under the American law, immediately upon the going into effect of the recent military convention between Italy and the United States,² will be as follows: Persons of Italian extraction naturalized as American citizens, will be, for the purposes of the convention, considered to be Americans and placed in the American Army. In order, however, to regulate their status with regard to the law of Italy, they shall, if inducted into the American Army, forward through their own regiment or The Adjutant General to the "Special Office of the Italian Embassy of the Italian Emigration Bureau," proof that they are doing military service in the American Army; and if not inducted (exempted, de-

¹ Not printed.

² *Post*, p. 726.

ferred classification, etc.) they shall inform the Italian Consul of their place of residence, and furnish evidence that they have performed their military duties in accordance with the American law. Thereupon the Royal consuls will provide by sending to Italy appropriate lists for the cancellation of the charge of delinquency entered against the men concerned.

Accept [etc.]

MACCHI DI CELLERE

Treaty Series No. 636

*Convention between the United States and France Providing for Reciprocal Military Service, Signed at Washington, September 3, 1918*¹

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS a Convention between the United States of America and the French Republic providing for the reciprocal military service of citizens of the United States in France and citizens of the French Republic in the United States, was concluded and signed by their respective Plenipotentiaries at Washington, on the third day of September, one thousand nine hundred and eighteen, the original of which Convention, being in the English and French languages, is word for word as follows:²

The President of the United States of America and the President of the French Republic, being convinced that for the better prosecution of the present war it is desirable that American citizens in France and citizens of France in the United States shall either return to their own country to perform military service in its army or shall serve in the army of the country in which they remain, have resolved to enter into a Convention to that end and have accordingly appointed as their Plenipotentiaries the President of the United States of America, Robert Lansing, Secretary of State of the United States, and the President of the French Republic, J. J. Jusserand, Ambassador Extraordinary and Plenipotentiary to the United States, who, after having communicated to each other their respective full powers found to be in proper form, have agreed upon and concluded the following Articles:

ARTICLE I

All male citizens of the United States in France and all male citizens of France in the United States shall, unless before the time

¹ Ratification advised by the Senate, Sept. 19, 1918; ratified by the President, Sept. 26, 1918; ratified by France, Oct. 15, 1918; ratifications exchanged at Washington, Nov. 8, 1918; proclaimed, Nov. 11, 1918.

² French text not printed.

limited by this Convention they enlist or enroll in the forces of their own country or return to the United States or France, respectively, for the purpose of military service, be subject to military service and entitled to exemption or discharge therefrom under the laws and regulations from time to time in force, of the country in which they are: *Provided*, that in respect to citizens of the United States in France, the ages for military service shall be the ages specified in the laws of the United States prescribing compulsory military service, and in respect to citizens of France in the United States the ages for military service shall be for the time being twenty to forty-four years, both inclusive.

ARTICLE II

Citizens of the United States and citizens of France within the age limits aforesaid who desire to enter the military service of their own country must enlist or enroll or must leave France or the United States as the case may be for the purpose of military service in their own country before the expiration of sixty days after the date of the exchange of ratifications of this Convention, if liable to military service in the country in which they are at said date; or if not so liable, then before the expiration of thirty days after the time when liability shall accrue; or as to those holding certificates of exemption under Article III of this Convention, before the expiration of thirty days after the date on which any such certificate becomes inoperative unless sooner renewed; or as to those who apply for certificates of exemption under Article III, and whose applications are refused, then before the expiration of thirty days after the date of such refusal, unless the application be sooner granted.

ARTICLE III

The Government of the United States and the Government of the French Republic may, through their respective diplomatic representatives, issue certificates of exemption from military service to citizens of the United States in France and citizens of France in the United States, respectively, upon application or otherwise, within sixty days from the date of the exchange of ratifications of this Convention or within thirty days from the date when such citizens become liable to military service in accordance with Article I: *Provided*, that the applications be made or the certificates be granted prior to their entry into the military service of either country. Such certificates may be special or general, temporary or conditional, and may be modified, renewed, or revoked in the discretion of the government granting them. Persons holding such certificates shall so long as the certificates are in force, not be liable to military service in the country in which they are.

ARTICLE IV

The Government of the United States and the Government of the French Republic will, respectively, so far as possible facilitate the return of citizens of France and of the United States who may desire to return to their own country for military service, but shall not be responsible for providing transport or the cost of transport for such persons.

ARTICLE V

No citizen of either country who, under the provisions of this Convention enters the military service of the other shall, by reason of such service, be considered, after this Convention shall have expired or after his discharge, to have lost his nationality or to be under any allegiance to the United States or to France, as the case may be.

ARTICLE VI

The present Convention shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate of the United States, and by the President of the French Republic, and the ratifications shall be exchanged at Washington or at Paris as soon as possible. It shall come into operation on the date on which the ratifications are exchanged and shall remain in force until the expiration of sixty days after either of the contracting parties shall have given notice of termination to the other. Whereupon any citizen of either country incorporated into the military service of the other under this Convention shall be as soon as possible discharged therefrom.

IN WITNESS WHEREOF, the respective Plenipotentiaries have signed the present Convention and have affixed thereto their seals.

DONE in duplicate at Washington, the 3rd day of September in the year of our Lord one thousand nine hundred and eighteen.

ROBERT LANSING [SEAL]

JUSSERAND [SEAL]

AND WHEREAS the said Convention has been duly ratified on both parts, and the ratifications of the two governments were exchanged in the City of Washington on the eighth day of November, one thousand nine hundred and eighteen;

NOW, THEREFORE, BE IT KNOWN THAT I, WOODROW WILSON, President of the United States of America, have caused the said Convention to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE in the District of Columbia this eleventh day of November in the year of our Lord one thousand nine hundred and [SEAL] eighteen, and of the Independence of the United States of America the one hundred and forty third.

WOODROW WILSON

By the President :

ROBERT LANSING

Secretary of State.

Treaty Series No. 637

*Convention between the United States and Italy Providing for Reciprocal Military Service, Signed at Washington, August 24, 1918*¹

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS, a Convention between the United States of America and the Kingdom of Italy providing for the reciprocal military service of citizens of the United States in Italy and Italian subjects in the United States, was concluded and signed by their respective Plenipotentiaries at Washington, on the twenty-fourth day of August, one thousand nine hundred and eighteen, the original of which Convention, being in the English and Italian languages, is word for word as follows:²

The President of the United States of America and His Majesty the King of Italy being convinced that for the better prosecution of the present war it is desirable that citizens of the United States in Italy and Italian citizens in the United States shall either return to their own country to perform military service in its army or shall serve in the army of the country in which they remain, have resolved to enter into a Convention to that end, and have accordingly appointed as their Plenipotentiaries:

The President of the United States of America, Robert Lansing, Secretary of State of the United States, and

His Majesty the King of Italy Count Vincenzo Macchi di Cellere, Ambassador Extraordinary and Plenipotentiary to the United States,

¹Ratification advised by the Senate, Oct. 24, 1918; ratified by the President, Nov. 2, 1918; ratified by Italy, Oct. 28, 1918; ratifications exchanged at Washington and Rome, Nov. 12, 1918; proclaimed, Nov. 18, 1918.

²Italian text not printed.

who, after having communicated to each other their respective full powers, found to be in proper form, have agreed upon and concluded the following Articles:

ARTICLE I

All male citizens of the United States in Italy and all male citizens of Italy in the United States shall, unless before the time limited by this Convention they enlist or enroll in the forces of their own country or return to the United States or Italy, respectively, for the purpose of military service, be subject to military service and entitled to exemption or discharge therefrom under the laws and regulations from time to time in force of the country in which they are: Provided, that in respect to citizens of the United States in Italy the ages for military service shall be the ages specified in the laws of the United States prescribing compulsory military service, and in respect to Italian citizens in the United States the ages for military service shall be for the time being twenty to forty-four years, both inclusive.

ARTICLE II

Citizens of the United States and Italian citizens within the age limits aforesaid, who desire to enter the military service of their own country, must enlist or enroll or must leave Italy or the United States, as the case may be, for the purpose of military service in their own country, before the expiration of sixty days after the date of the exchange of ratifications of this Convention, if liable to military service in the country in which they are at said date; or if not so liable, then, before the expiration of thirty days after the time when liability shall accrue; or, as to those holding certificates of exemption under Article III of this Convention, before the expiration of thirty days after the date on which any such certificate becomes inoperative unless sooner renewed; or, as to those who apply for certificates of exemption under Article III, and whose applications are refused, then before the expiration of thirty days after the date of such refusal, unless the application be sooner granted.

ARTICLE III

The Government of the United States and the Government of Italy may, through their respective diplomatic representatives or by other authorities appointed for that purpose by the respective Governments, issue certificates of exemption from military service to citizens of the United States in Italy and Italian citizens in the United States, respectively, upon application or otherwise, within sixty days from the date of the exchange of ratifications of this Convention or within thirty days from the date when such citizens become liable to military service in accordance with Article I, pro-

vided that the applications be made or the certificates be granted prior to their entry into the military service of either country. Such certificates may be special or general, temporary or conditional and may be modified, renewed, or revoked, in the discretion of the Government granting them. Persons holding such certificates shall, so long as the certificates are in force, not be liable to military service in the country in which they are.

ARTICLE IV

The Government of the United States and the Italian Government will, respectively, so far as possible, facilitate the return of citizens of Italy and of the United States who may desire to return to their own country for military service, but shall not be responsible for providing transport or the cost of transport for such persons.

ARTICLE V

No citizen of either country who, under the provisions of this Convention, enters the military service of the other shall, by reason of such service, be considered, after this Convention shall have expired or after his discharge, to have lost his nationality or to be under any allegiance to the United States or to His Majesty the King of Italy, as the case may be.

ARTICLE VI

This agreement while in force, holds in abeyance any provisions inconsistent therewith, in the treaty of February 26, 1871, or in any other treaty between the United States and Italy.

ARTICLE VII

The present Convention shall be ratified by the President of the United States of America by and with the advice and consent of the Senate of the United States and by His Majesty the King of Italy, and the ratifications shall be exchanged at Washington or at Rome as soon as possible. It shall come into operation on the date on which the ratifications are exchanged and shall remain in force until the expiration of sixty days after either of the contracting parties shall have given notice of termination to the other; whereupon any citizen of either country incorporated into the military service of the other under this Convention, shall be, as soon as possible, discharged therefrom.

IN WITNESS WHEREOF, the respective Plenipotentiaries have signed the present Convention and have affixed thereto their seals.

DONE in duplicate at Washington the twenty-fourth day of August in the year of our Lord one thousand nine hundred and eighteen.

[SEAL]

ROBERT LANSING

[SEAL]

MACCHI DI CELLERE

AND WHEREAS, the said Convention has been duly ratified on both parts, and the ratifications were exchanged in Washington and Rome, on the twelfth day of November, one thousand nine hundred and eighteen.

NOW, THEREFORE, BE IT KNOWN THAT I, WOODROW WILSON, President of the United States of America, have caused the said Convention to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE in the District of Columbia this eighteenth day of November in the year of our Lord one thousand nine hundred and [SEAL] eighteen, and of the Independence of the United States of America the one hundred and forty-third.

WOODROW WILSON

By the President:

ROBERT LANSING,
Secretary of State.

Treaty Series No. 638

*Convention between the United States and Greece Providing for Reciprocal Military Service, Signed at Washington, August 30/17, 1918*¹

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS, a Convention between the United States of America and the Kingdom of Greece providing for the reciprocal military service of citizens of the United States in Greece and citizens of Greece in the United States, was concluded and signed by their respective Plenipotentiaries at Washington on the thirtieth day of August, one thousand nine hundred and eighteen, the original of which Convention, being in the English and Greek languages, is word for word as follows:²

The President of the United States of America and His Majesty the King of the Hellenes, being convinced that for the better prosecution of the present war it is desirable that citizens of the United States in Greece and citizens of Greece in the United States shall

¹ Ratification advised by the Senate, Sept. 19, 1918; ratified by the President, Oct. 21, 1918; ratified by Greece, Oct. 23, 1918; ratifications exchanged at Washington and Athens, Nov. 12, 1918; proclaimed, Nov. 18, 1918.

² Greek text not printed.

either return to their own country to perform military service in its Army or shall serve in the Army of the country in which they remain, have resolved to enter into a convention to that end, and have accordingly appointed as their plenipotentiaries,

The President of the United States, Robert Lansing, Secretary of State of the United States; and

His Majesty the King of the Hellenes, Mr. Georges Roussos, Envoy Extraordinary and Minister Plenipotentiary of Greece to the United States,

who, after having communicated to each other their respective full powers, found to be in proper form, have agreed upon and concluded the following articles:

ARTICLE I

All male citizens of the United States in Greece and all male citizens of Greece in the United States, shall, unless before the time limited by this convention they enlist or enroll in the forces of their own country or return to the United States or Greece, respectively, for the purpose of military service, be subject to military service and entitled to exemption or discharge therefrom under the laws and regulations from time to time in force of the country in which they are: *Provided*, That in respect to citizens of the United States in Greece the ages for military service shall be the ages specified in the laws of the United States prescribing compulsory military service, and in respect to citizens of Greece in the United States the ages for military service shall be for the time being twenty to forty-four years, both inclusive.

ARTICLE II

Citizens of the United States and citizens of Greece within the age limits aforesaid who desire to enter the military service of their own country must enlist or enroll or must leave Greece or the United States, as the case may be, for the purpose of military service in their own country before the expiration of sixty days after the date of the exchange of ratifications of this convention, if liable to military service in the country in which they are at the said date; or if not so liable, then before the expiration of thirty days after the time when liability shall accrue; or as to those holding certificates of exemption under Article III of this convention, before the expiration of thirty days after the date on which any such certificate becomes inoperative unless sooner renewed; or as to those who apply for certificates of exemption under Article III and whose applications are refused, then before the expiration of thirty days after the date of such refusal, unless the application be sooner granted.

ARTICLE III

The Government of the United States and the Government of Greece may through their respective diplomatic representatives issue certificates of exemption from military service to citizens of the United States in Greece and citizens of Greece in the United States, respectively, upon application or otherwise, within sixty days from the date of the exchange of ratifications of this convention, or within thirty days from the date when such citizens become liable to military service in accordance with Article I, provided that the applications be made or the certificates be granted prior to their entry into the military service of either country.

Such certificates may be special or general, temporary or conditional, and may be modified, renewed, or revoked in the discretion of the Government granting them. Persons holding such certificates shall, so long as the certificates are in force, not be liable to military service in the country in which they are.

ARTICLE IV

The Government of the United States and the Government of Greece will, respectively, so far as possible, facilitate the return of citizens of Greece and citizens of the United States who may desire to return to their own country for military service, but shall not be responsible for providing transport or the cost of transport for such persons.

ARTICLE V

No citizen of either country who, under the provisions of this convention, enters the military service of the other shall, by reason of such service, be considered after this convention shall have expired or after his discharge to have lost his nationality or to be under any allegiance to His Majesty the King of the Hellenes or to the United States, as the case may be.

ARTICLE VI

The present convention shall be ratified by the President of the United States of America by and with the advice and consent of the Senate of the United States and by His Majesty, the King of the Hellenes, and the ratifications shall be exchanged at Washington or at Athens as soon as possible. It shall come into operation on the date on which the ratifications are exchanged and shall remain in force until the expiration of sixty days after either of the contracting parties shall have given notice of termination to the other; whereupon any citizen of either country incorporated into the military service of the other under this convention shall be as soon as possible discharged therefrom.

IN WITNESS WHEREOF the respective plenipotentiaries have signed the present convention and have affixed thereto their seals.

DONE in duplicate at Washington the $\frac{30\text{th}}{17^{\text{th}}}$ day of August in the year of our Lord one thousand nine hundred and eighteen.

[SEAL] ROBERT LANSING

[SEAL] G. ROUSSOS

AND WHEREAS, the said Convention has been duly ratified on both parts, and the ratifications were exchanged in Washington and Athens, on the twelfth day of November, one thousand nine hundred and eighteen;

NOW, THEREFORE, BE IT KNOWN THAT I, WOODROW WILSON, President of the United States of America, have caused the said Convention to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE in the District of Columbia this eighteenth day of November in the year of our Lord one thousand nine hundred and [SEAL] eighteen, and of the Independence of the United States of America the one hundred and forty-third.

WOODROW WILSON

By the President:

ROBERT LANSING

Secretary of State.

VII

LEGAL STATUS OF MEMBERS OF AMERICAN FORCES IN EUROPE

File No. 811.203/2

*The Ambassador in Great Britain (Page) to the Secretary of State*¹

[Telegram]

LONDON, *September 11, 1917, 9 a. m.*

[*Received 11.15 p. m.*]

7142. I have received under date of the 5th instant from the Foreign Office a note of which the following is the full text:

I have the honor to inform you that the competent department of His Majesty's Government have drawn my attention to certain difficulties that may be found by the United States military authorities in the maintenance of discipline among United States officers and soldiers when serving in this country owing to the existing English law relating to arrest for and the trial and punishment of offenses committed in this country.

His Majesty's Government are advised that by the doctrine of extraterritoriality organized bodies of United States troops in this country are, within the limits of the quarters occupied by them, subject to their own system of discipline and their own laws and may be dealt with by their own military authorities and may be arrested, tried, and punished accordingly. Outside the limits of their quarters, however, they are liable to be dealt with by the English criminal courts for any offenses against the English criminal law but could not be apprehended for any purely military offense (such as desertion, absence without leave, etc.) either by their own or the English military police or by the civil police, nor could they in any case legally be handed over to their own military authorities to be dealt with. His Majesty's Government are also advised that the preceding observation with regard to officers and soldiers forming part of an organized body of troops whilst outside the limits of their quarters applies equally to individual officers and soldiers not forming part of an organized body in the [*this?*] country. It would, I understand, be in accordance with the wishes of the United States authorities if steps could be taken to legalize the assistance of the military and civil authorities in this country in handing over to their own military authorities United States officers and soldiers who may be found outside the limits of the quarters occupied by United States troops in this country and who may appear to have committed an

¹This telegram was referred to the Secretary of War, Sept. 17.

offense against their national military discipline or law with a view to their being dealt with by the United States military authorities.

His Majesty's Government are advised that, if the United States authorities are desirous of such assistance as is outlined in the preceding paragraph, the best and speediest method of giving effect to such desire would consist in the passing of a regulation under the Defense of the Realm Acts, giving power to the British military authorities in general terms to make and revoke or vary orders from time to time for subjecting United States and other Allied troops in this country to their own systems of military discipline and for arresting and handing them over to their own military authorities, either in this country or abroad, in case of any alleged military or criminal offense whether such offense was contrary to English law or not. I have the honor to request Your Excellency to be so good as to inform me whether the above suggestions recommend themselves generally to the United States authorities and whether there are any special points which suggest themselves as requiring consideration in the framing of the suggested orders. In particular I should be [pleased] to learn whether, if it can be so arranged, the United States authorities would desire to have the right to retain in imprisonment in this country United States soldiers who may be sentenced by their military courts to undergo terms of imprisonment. Finally, I may point out to Your Excellency that by virtue of sections 153 and 156 of the Army Act it is an offense for a civilian to assist a deserter from the British Army and to purchase equipment from an officer or soldier of the British Army unless such equipment were sold by permission of the military authorities. I shall be grateful if Your Excellency will state whether the United States authorities would desire similar provisions to be applied as regards their troops in this country.

PAGE

File No. 811.203/10

The French Ambassador (Jusserand) to the Secretary of State

[Translation]

WASHINGTON, October 1, 1917.

[Received October 5.]

MR. SECRETARY OF STATE: My Government wishes me to draw Your Excellency's attention to the advantage there would be, considering the growing number of American soldiers in France, to conclude at the earliest possible date an agreement between our two countries on the question of penal military jurisdiction.

It occurs to it that the simplest and quickest solution could be found in the reproduction, *mutatis mutandis*, of the text of the declaration signed by France and England to settle the same question between themselves on December 15, 1915.

I have the honor to enclose the French and English texts¹ of that instrument and I should be thankful to Your Excellency if you

¹ Only the English text printed, *infra*.

would let me know at your earliest convenience whether its terms meet with your approval. If so, I would cable to the Minister of Foreign Affairs of the Republic who would exchange with the American Ambassador at Paris the notes sanctioning the agreement.

Be pleased to accept [etc.]

JUSSERAND

[Enclosure]

Declaration of the British and French Governments

His Britannic Majesty's Government and the Government of the French Republic agree to recognize during the present war the exclusive competence of the tribunals of their respective Armies with regard to persons belonging to these Armies in whatever territory and of whatever nationality the accused may be.

In the case of infringements committed jointly or in complicity by individuals belonging to these two Armies, the French authors or accomplices shall be handed over to the French military jurisdiction and the British authors or accomplices shall be handed over to the British military jurisdiction.

The two Governments further agree to recognize during the present war the exclusive competence in French territory of French justice with regard to foreign persons in the British Army who may commit acts prejudicial to that Army, and the exclusive competence in British territory of British justice with regard to foreign persons in the French Army who may commit acts prejudicial to the said Army.

NOTE. The above declaration should be considered as having been published in the *London Gazette* of the 15th December 1915.

File No. 811.203/10

The Secretary of State to the French Ambassador (Jusserand)

No. 2023

WASHINGTON, *January 3, 1918.*

EXCELLENCY: Referring to your note of October 1, 1917, in which by direction of your Government you draw my attention to the advantages that would be derived from an agreement between the United States and France on the subject of penal military jurisdiction over the military and naval forces of one country while within the territory or limits of the other, I have the honor to inform you that I am authorized by the President, as Commander in Chief of the armed forces of the United States, to propose to you an agreement by an exchange of notes as follows:

The Government of the United States of America and the Government of the French Republic agree to recognize during the war the exclusive jurisdiction of the tribunals of their respective land

and sea forces with regard to persons subject to the jurisdiction of those forces whatever be the territory in which they operate or the nationality of the accused. In the case of offences committed jointly or in complicity with persons subject to the jurisdiction of the said military forces, the principals and accessories who are amenable to the American land and sea forces shall be handed over for trial to the American military or naval justice, and the principals and accessories who are amenable to the French land and sea forces shall be handed over for trial to the French military or naval justice.

The Government of the United States of America and the Government of the French Republic further agree to recognize during the present war the exclusive jurisdiction within American territory of American justice over persons not belonging to the French land and sea forces who may commit acts prejudicial to the said military forces and the exclusive jurisdiction, within French territory, of French justice over persons not belonging to American land and sea forces who may commit acts prejudicial to the said military forces.

The word "persons" as used in the first paragraph of this agreement designates, together with the persons enrolled in the Army, Navy and Marine Corps, any other person who under the American or French law is subject to military or naval jurisdiction, especially members of the Red Cross regularly accepted by the Government of the United States of America or the Government of the French Republic in so far as the American or French law and the customs of war place them under military or naval jurisdiction.

Should this arrangement be acceptable to the Government of the French Republic your formal notification in writing to that effect will be understood on the part of the Government of the United States as completing the arrangement and putting it into force and effect, and I shall be glad to receive your assurance that it will be so understood also on the part of the Government of the French Republic.

Accept [etc.]

ROBERT LANSING

File No. 811.203/16

The French Ambassador (Jusserand) to the Secretary of State

[Translation]

WASHINGTON, *January 14, 1918.*

[*Received January 16.*]

MR. SECRETARY OF STATE: By note dated the 3d of this month, Your Excellency was pleased to let me know that the President of the United States, as Commander in Chief of the armed forces of the United States, had authorized you to propose to me a settlement

by an exchange of notes of the question of penal military jurisdiction over the French and American Armies jointly participating in this war.

Your Excellency was pleased to reproduce in the aforesaid note the terms of the contemplated arrangement, the text of which in the French language is as follows:

[Here follows the French version of the English text quoted in the preceding document.]

Duly authorized by my Government I have the honor to say to Your Excellency that it accepts the terms of that declaration and that in consequence the provisions therein contained are from this moment in effect.

My Government wishes to have the exchange of notes immediately published in the *Journal Officiel* to that end and I shall be much obliged to Your Excellency if you will kindly assure me that, as I surmise, you have no objection thereto.

Be pleased to accept [etc.]

JUSSERAND

File No. 811.203/5

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, January 21, 1918, 4 p. m.

[Received January 22, 1.48 a. m.]

8333. My telegrams 7142, September 11, 9 a. m., and 7978, December 15, 1 p. m.¹ Following note dated January 18 just received from Foreign Office:

With reference to my note of December 12, last, relative to the maintenance of discipline among United States troops in this country, I have the honor to inform Your Excellency that the legal difficulties therein referred to are now becoming acute and are increasing in number with the arrival of additional United States troops in the country and the delay in arriving at a decision on the legal questions involved is causing considerable anxiety to the military authorities in this country, and in particular I understand to the United States military authorities themselves.

In this connection, I have the honor to transmit to Your Excellency herewith an extract from a memorandum prepared by the Judge Advocate General, which represents the urgency of the question, and I would observe that the recommendations therein made for immediate adoption are solely for the purpose of granting additional powers to the United States military authorities in order to enable them to maintain discipline among their own officers and men.

¹ Letter not printed.

I understand that United States soldiers are now in arrest awaiting trial by court-martial, but cannot be tried for the reasons stated in the enclosed document and that the military authorities therefore consider it necessary to proceed forthwith to give effect, if possible, to the immediate recommendations of the Judge Advocate General, but I would point out that this is only a small part of the larger question the solution of which by the course suggested in my note of September 5 last while very desirable from the point of view of the British military authorities appears to be essential and urgent from that of the United States military authorities.

Memorandum referred to above reads as follows:

The American authorities have again been to see me this morning and pressed upon me the extreme urgency of legislation which would at all events enable them to compel witnesses to attend American courts-martial in this country.

What I would suggest is that, even before the general question of the American troops in the United Kingdom is dealt with, a Defence of the Realm regulation should be passed forthwith making it an offence for a person summoned as a witness before an American court-martial to fail to attend or to refuse to be sworn, answer questions, or produce documents, or to give wilfully false evidence or to commit a contempt of court.

The further question also raised in my previous minute as to empowering American Judge Advocate to administer oaths outside the precincts of camps or buildings specially allotted for the use of American troops might be dealt with at a later stage. Signed, F. Cassell, Judge Advocate General.

PAGE

File No. 811.2226/154

The French Ambassador (Jusserand) to the Secretary of State

[Translation]

WASHINGTON, *January 26, 1918.*

[*Received February 1.*]

MR. SECRETARY OF STATE: My Government informs me of the great interest it takes in having the question of reciprocally delivering up deserters from the French and American Armies, independently of the military convention now under consideration relative to slackers, delinquents and deserters,¹ settled through an exchange of notes between the Ambassador of the United States at Paris and the Minister of Foreign Affairs of the Republic as has already been done by the British Ambassador and the Minister for the surrender of English and French deserters.

In this connection article 7 of the counterdraft of the aforesaid convention submitted to the Federal Government by the French Government² is acknowledged to constitute an agreement of the two

¹ See section on "Military Service Conventions," *ante*, pp. 648-732.

² Note in files: "Never received up to Feb. 14/18. L. H. W[oolsey]."

countries to deliver up deserters, but inasmuch as certain exceptions to the general rule are made in this respect in the Anglo-American draft, it would be important to make it clear that, as the French Government feels sure, the American Government does not intend to except from the said provision the American soldiers who may have deserted before the proposed convention goes into effect, now that tens of thousands of American soldiers landed in France months ago.

With the main object of delivering up at once such deserters to the provost marshals of the American Army, the Government of the Republic instructs me to ask of Your Excellency that instructions be sent at the earliest possible date to His Excellency Mr. Sharp enabling him to proceed with the contemplated exchange of notes with the Minister of Foreign Affairs.

Be pleased to accept [etc.]

JUSSERAND

File No. 811.203/8

The Acting Secretary of State to the Ambassador in Great Britain
(Page)

[Telegram]

WASHINGTON, *February 5, 1918, 10 p. m.*

6461. Your telegrams September 11 and January 21 respecting jurisdiction over American military forces in England. You may communicate regarding this matter with British Government in the sense of the following:

It is agreeable to the Government of the United States that, as outlined in the note addressed by the Foreign Office to the Embassy, under date of September 5, 1917,¹ the British Government should legalize the assistance of the military and civil authorities in handing over to American military authorities officers and soldiers who may be found outside the limits of the quarters occupied by American troops and who are thought to have committed an offense against American military discipline or law, with a view to their being dealt with by American military authorities, whether such offense was contrary to British law or not. The Government of the United States regards it as desirable that, as suggested in the British Government's note just mentioned, American military authorities should be understood to have the right, during the present war, to retain in imprisonment in Great Britain American troops sentenced by American military tribunals to terms of imprisonment, and further, that the British Government should provide, as further suggested by them, for punishment of persons assisting deserters from American forces and persons purchasing equipment not sold by permission of American military authorities.

¹ See telegram No. 7142 from the Ambassador in Great Britain, *ante*, p. 733.

It is acceptable to the Government of the United States to have the British Government's assistance in the form suggested in their note of January 18, 1918, to the Embassy,¹ namely, legislation enabling American military authorities to compel witnesses to attend American courts-martial in Great Britain, and legislation making it an offense for such witnesses to fail to attend, or to refuse to be sworn, answer questions, or produce documents, or to give false evidence, or to commit contempt of court, and legislation empowering American judge advocates to administer oaths outside the precincts of camps or buildings allotted to the use of American troops.

While action in accordance with the British Government's proposals may be satisfactory to deal temporarily with existing conditions, it may be advisable that a comprehensive agreement should be concluded with regard to jurisdiction over American troops in British territory and over British troops in American territory similar to that which has been concluded by the British Government with the Government of France. Such an agreement has been entered into by this Government with France, by an exchange of notes. It is doubtful, however, what effect the courts in the United States would give such an informal agreement. On the other hand, most if not all of the cases under the French agreement will arise in France, where such an agreement is effective.

The Department would be glad to receive an expression of the British Government's views respecting this matter.

POLK

File No. 811.2226/161

The French Ambassador (Jusserand) to the Secretary of State

[Translation]

WASHINGTON, *March 3, 1918.*

[*Received March 5.*]

MR. SECRETARY OF STATE: As orally stated to the Honorable Solicitor of the Department by Mr. de Laboulaye, in my name, yesterday, the Government of the Republic greatly desires, on account of the ever growing number of American soldiers arriving in France, to conclude at the earliest possible date an agreement with the Federal Government for the purpose of ensuring the reciprocal delivery to the military authorities of the two countries of deserters from their respective Armies, under the conditions which I had the honor to outline to Your Excellency in my note of January 26 last.

It is my Government's earnest desire, shared, as it seems, by General Pershing that His Excellency Mr. Sharp be authorized to insert

¹ See telegram No. 8333 from the Ambassador in Great Britain, *ante* p. 737.

in the notes which he is to exchange on that subject with the Minister of Foreign Affairs a formula providing that—

the French police will, on the request of the United States, exercise on every American soldier found in the Continental territory of France the same action as they exercise on French soldiers; that they would, in particular, arrest any soldier who could not produce a voucher of authorized absence (leave, detail on special duty, etc.) whether or not the man be a deserter and that they must deliver up any man so arrested to the proper military authority.

This formula which as Your Excellency will notice, is more comprehensive than that in the Anglo-French agreement, is acceptable to the Minister of War of the Republic who wishes that it be adopted at the earliest possible date all the more as leaves are even now granted to American soldiers.

Owing to the urgency of the agreement and the importance attached thereto by my Government, I venture to commend the matter to the early special attention of the Department of State.

Be pleased to accept [etc.]

JUSSERAND

File No. 811.203/18

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, *March 18, 1918, 11 p. m.*

[*Received March 19, 3.30 a. m.*]

9101. Your 6461, February 5, 10 p. m. Following note, dated March 15, received from Foreign Office:

With reference to Your Excellency's note of the 6th instant relative to the maintenance of discipline among United States troops in this country, I have the honor to transmit to Your Excellency herewith for the information of the United States Government a draft copy of the regulations under the Defense of the Realm Acts and of the order [to be] made thereunder by the Army Council which it is proposed to issue at a very early date in order to meet the requirements of the United States authorities.

The military authorities, while prepared to consider the advisability of a formal agreement on the subject between His Majesty's Government and the United States Government after the issue of the proposed regulations, are of opinion that so far as concerns United States troops in this country these regulations are a more comprehensive and satisfactory method of procedure than an agreement such as has been concluded between His Majesty's Government and the Belgian [*French?*] Government, which, while acting satisfactorily in France, left the question of jurisdiction in this country open to some doubt.

With reference to the wording of the draft regulations I would invite Your Excellency's attention to regulation No. 62 of the Defense of the Realm regulations, the last paragraph of which pro-

vides as follows: "For the purpose of these regulations references to Allies and states in alliance with His Majesty shall include states acting in naval or military cooperation with His Majesty in the present war."

DRAFT REGULATION

For facilitating the enforcement by His Majesty's Allies of discipline amongst such of their naval or military forces as may for the time being be within the United Kingdom, the following provisions shall have effect:

1. It is hereby declared that the naval and military authority and courts of an Ally may exercise in relation to the members of any naval or military force of that Ally who may for the time being be in the United Kingdom all such powers as are conferred on them by the law of that Ally.

2. The Admiralty or Army Council may make orders authorizing the arrest and custody of members of any force of an Ally alleged to have been guilty of offenses and the handing over of such persons to the proper naval or military authority of the Ally whether [within] or outside the United Kingdom for the purpose of being dealt with (whether within or without the United Kingdom) by the naval or military authorities or courts of the Ally according to the law of the Ally.

3. A competent naval or military authority may on the application of the proper naval or military authority of an Ally issue an order requiring any person not being a member of any naval or military force of that Ally, subject to the payment on tender of the reasonable expenses of his attendance, to attend as a witness and give evidence or to produce documents before a naval or military court of the Ally in the United Kingdom or before any person duly authorized to take evidence in the United Kingdom in connection with any proceedings before a naval or military court of the Ally, and if any person fails to comply with any of the provisions of the order he shall be guilty of an offense against these regulations.

4. Where a person not being a member of a naval or military force of an Ally is guilty of any contempt towards a naval or military court of that Ally in the United Kingdom by using insulting or threatening language or by causing any interruption or disturbance in its proceedings or by printing observations or using words calculated to influence members of or witnesses before such court or to bring it into disrepute, he shall be guilty of an offense against these regulations.

5. Where a person not being a member of a naval or military force of an Ally when examined on oath or solemn declaration in the United Kingdom before any naval or military court of that Ally, or before any person duly authorized to take evidence in connection with any proceeding before such a court, willfully gives false evidence he shall be guilty of an offense against these regulations, but nothing in this provision shall prejudice any liability under the [Perjury] Act, 1911.

6. It shall be lawful for a member of a naval or military [court of] an Ally or any person duly authorized to take evidence in connection with any proceedings before such court and to administer oaths to witnesses.

7. If any person not being a member of a naval or military force of an Ally procures or persuades a member of such force to desert or absent himself without leave or knowingly aids or assists a member of such force about to desert or absent himself without leave, or knowingly conceals a deserter or absentee without leave from such force, or aids or assists him in concealing himself or aids or assists in his rescue, that person shall be guilty of a summary offense against these regulations and for the purposes of this provision shall be deemed to have had knowledge unless he proves that he had not knowledge.

8. If a person not being a member of a naval or military force of an Ally as provided: (a) buys, exchanges, takes in [pawn], detains, or (b) solicits or entices a member of such force to sell, exchange, realize [pawn], or give away, or (c) assists or acts for a member of such force in selling, pawning, or making away with any arms, ammunition, equipment or clothing of any member of such force or any stores belonging to or in charge of any such force, that person shall be guilty of a summary offense against these regulations unless he proves either that he acted in ignorance of the same being the arms, ammunition, equipment or clothing of a member of such force or being such stores as aforesaid, or that the same was sold by the order or with the consent of the proper naval or military authority of that Ally.

9. Any sentence passed in the United Kingdom on a member of a naval or military force of an Ally by a naval or military court of an Ally in accordance with the laws of that Ally may be executed according to the tenor thereof within the United Kingdom and if the sentence involves the detention of any person in custody that person whilst in custody in pursuance of the sentence shall be deemed to be in legal custody and any sentence passed on such a man by such a court shall be deemed to be in accordance with the law and to be within the jurisdiction of the court and the court shall be deemed to have been properly constituted.

10. For the purposes of the foregoing provisions the expression "proper naval or military authority" includes such members of their naval or military forces as the Government of the Allied state may appoint for the purposes aforesaid and different members may be appointed for different purposes.

11. The term "Ally" or "Allied state" wherever it is used in this regulation shall be taken to include a foreign country allied or otherwise acting in naval or military cooperation with His Majesty in the present war.

DRAFT ORDER OF THE ARMY COUNCIL

1. Any member of a naval or military force of an Ally may if authorized by the proper naval or military authority of that Ally arrest and hand over to that authority any other member of such force whom he finds committing or has reason to suspect of having committed an offense for which he is amenable to the naval or military courts of the Ally.

2. Any police constable and any officer or non-commissioned officer of His Majesty's military forces may arrest any member of a naval or military force of an Ally whom he finds committing or has reason

to suspect of having committed a civil offense if the offense is such that if such man had been a member of His Majesty's military forces he could have arrested him.

3. Any police constable and any officer or non-commissioned officer of His Majesty's military forces may on the request of the proper naval or military authority of an Ally or any person authorized by him arrest any person whom he has reason to believe to be a member of a naval or military force of that Ally and who is alleged by such authority to be guilty of an offense for which he is amenable to the naval or military courts of the Ally.

4. Any member of a naval or military force of an Ally arrested under this order by a police constable or by an officer or non-commissioned officer of His Majesty's military forces shall as soon as practicable be handed over to the proper naval or military authority of that Ally and whether within or without the United Kingdom to be dealt with according to the law of that Ally applicable to the case and in the meantime may be kept in civil or military custody.

PAGE

File No. 811.203/22

The Ambassador in Great Britain (Page) to the Secretary of State

[Telegram]

LONDON, April 27, 1918, 1 p. m.

[Received 5.50 p. m.]

9748. My telegram 9101, March 18, 11 p. m. Following note dated April 26 received from Foreign Office:

With reference to my note of March 15 last,¹ relative to the maintenance of discipline among United States troops in this country, I have the honor to transmit to Your Excellency herewith a copy of the order of the Army Council on this subject made under regulation 45F of the Defense of the Realm regulations, the draft of which was inclosed in my above-mentioned note, together with a copy of a memorandum attached thereto containing suggestions for supplementary provisions applicable to members of the United States forces.

I have the honor to add that the Admiralty Court military authorities are now advised that it would be desirable, in order to complete the arrangements made by this order and to dispose of certain questions as to the jurisdiction, that a convention should be entered into between His Majesty's Government and that of the United States, similar to that concluded between the Government of His Majesty and that of the French Republic, and that a general agreement to the effect stated in the memorandum attached to the inclosed order of the Army Council should be embodied in any such convention.

I have therefore the honor to inquire whether the conclusion of an arrangement on the above lines would be agreeable to the Government of the United States and if so in what form they would desire that it should be concluded: as a formal convention, or by exchange of notes, or otherwise. On learning the wishes of the United States

¹ Quoted in preceding telegram.

Government on these points I shall be happy to submit a draft for their consideration.

Draft order of the Army Council is quoted in my 9101 of March 18.

MEMORANDUM

A. A member of the naval, military or air forces of the United States of America within British territory shall not be tried by the naval or military courts of the United States of America or according to the law of the United States of America but shall be tried by the civil or military courts of the United Kingdom and in accordance with the law of Great Britain where the offense which he is alleged to have committed would by the law of the United Kingdom be—

- (a) Treason;
- (b) An offense against Official Secrets Act 1911;
- (c) An offense against Defense of the Realm regulations Nos. 18, 18A, 19A, 22A, or 27A, except where the offense is solely prejudicial to the armed forces of the United States of America;
- (d) An offense against Defense of the Realm regulation No. 48 in relation to any offense above included.

PAGE

File No. 811.203/21

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, May 10, 1918, 3 p. m.

7668. Your 9101, March 18, 11 p. m. You may inform British Government regulations set forth in your telegram are acceptable to this Government.

LANSING

File No. 811.2226/172

The Secretary of State to the French Ambassador (Jusserand)

No. 2164

WASHINGTON, June 7, 1918.

EXCELLENCY: Referring to your note of January 26 last and subsequent notes¹ looking to an understanding with respect to the treatment to be accorded to deserters and absentees from the United States and French military forces in France I have the honor to inform you that I am authorized by the President, as Commander in Chief of the armed forces of the United States, to propose to you an arrangement by an exchange of notes as follows:

It is understood by the Government of the United States of America and the Government of the French Republic that the civil

¹ Note of Jan. 26 printed *ante*, p. 738; note of Mar. 3 printed *ante*, p. 740.

and military authorities of the French Republic are authorized and requested to arrest any soldier belonging to military forces of the United States in France who is absent in desertion or who, being absent from his proper command, is unable to produce proper evidence of authority for such absence in the form of a furlough, a leave of absence, a detail on special duty, or other proper official documents fixing his status, and to return the said soldier to the appropriate military authority of the army to which he belongs, as well as to arrest and return to the proper military authority of the army to which he belongs, any soldier belonging to the military forces of the United States in France who is guilty of disorder or other infractions of law or regulations. Similarly it is understood by the two Governments that the military authorities of the American Expeditionary Forces in France are authorized and requested to arrest any soldier belonging to the Army of the French Republic who is absent in desertion, or, who, being absent from his proper command cannot produce authority for such absence in the form of a furlough, a leave of absence, a detail on special duty, or other proper official documents fixing his status, and to return the said soldier to the proper military authority of the army to which he belongs, as well as to arrest and return to the appropriate military authority of the army to which he belongs any soldier of the French Army who is guilty of disorder or other infractions of law or regulations, it being understood, however, by the two Governments that the military authorities of the American Expeditionary Forces in France are placed under no obligation to return to the French authorities any men in the American Expeditionary Forces who failed to join the French colors or who deserted the French Army prior to the entry of the United States into the war, but that the military authorities of the American Expeditionary Forces in France will return to the French military authorities men belonging to the American Expeditionary Forces in France who have or shall have deserted from the French Army since the entry of the United States into the war.

Should this arrangement be acceptable to the Government of the French Republic your formal notification in writing to that effect will be understood on the part of the Government of the United States as completing the arrangement and putting it into force and effect, and I shall be glad to receive your assurance that it will be so understood also on the part of the Government of the French Republic.

Accept [etc.]

ROBERT LANSING

File No. 811.2226/180

The French Ambassador (Jusserand) to the Secretary of State

[Translation]

WASHINGTON, July 3, 1918.

[Received July 8]

MR. SECRETARY OF STATE: By a note dated the 7th of last month, Your Excellency was pleased to inform me that the President of the

United States as Commander in Chief of the armed forces of the United States had authorized you to propose to me a settlement, by exchange of notes, of the question of delivering the deserters and absentees belonging to the American or French military forces operating in France. Your Excellency communicated at the same time to me the wording of the contemplated arrangement of which I reproduce the French text herein below.

[Here follows French version of English text quoted in the preceding document.]

Duly authorized thereto by my Government, I have the honor to inform Your Excellency that those terms are accepted by it and that, conformably to the suggestion made by the Federal Government the provisions therein contained are from this moment put into force and effect.

In taking this action, I am directed to point out to the Federal Government that, as Your Excellency will understand, it is only by reason of the military interest involved in the question, that the Government of the Republic accepts American military policing in the zone of the interior.

Be pleased to accept [etc.]

JUSSERAND

File No. 811.203/25

The Secretary of State to the Belgian Minister (De Cartier)

No. 81

WASHINGTON, July 5, 1918.

SIR: Referring to your note of May 6, 1918,¹ in which you communicate to me the desire of your Government to effect an arrangement between the United States and Belgium on the subject of penal jurisdiction over the military and naval forces of each country within the jurisdiction of the other, I have the honor to inform you that I am authorized by the President as Commander in Chief of the armed forces of the United States, to propose to you an arrangement by an exchange of notes as follows:

The Government of the United States of America and the Government of His Majesty the King of the Belgians recognize during the present war the exclusive jurisdiction of the tribunals of their respective land and sea forces with regard to persons subject to the jurisdiction of those forces whatever be the territory in which they operate or the nationality of the accused. In the case of offences committed jointly or in complicity with persons subject to the jurisdiction of the said military forces, the principals and accessories who are amenable to the American land and sea forces shall be handed over for trial to the American military or naval justice, and the principals and accessories who are amenable to the Belgian land and sea forces shall be handed over for trial to the Belgian military or naval justice.

¹ Not printed.

The Government of the United States of America and the Government of His Majesty the King of the Belgians further recognize during the present war the exclusive jurisdiction within American territory of American justice over persons not belonging to the Belgian land and sea forces who may commit acts prejudicial to the said military forces and the exclusive jurisdiction, within Belgian territory, of Belgian justice over persons not belonging to American land and sea forces who may commit acts prejudicial to the said military forces.

The word "persons" as used in the first paragraph of this agreement designates, together with the persons enrolled in the Army, Navy and Marine Corps, any other person who under the American or Belgian law is subject to military or naval jurisdiction, especially members of the Red Cross regularly accepted by the Government of the United States of America or the Government of His Majesty the King of the Belgians in so far as the American or Belgian law and the customs of war place them under military or naval jurisdiction.

Should this arrangement be acceptable to the Government of His Majesty the King of the Belgians your formal notification in writing to that effect will be understood on the part of the Government of the United States of America as completing the arrangement and putting it into force and effect, and I shall be glad to receive your assurance that it will be so understood also on the part of the Government of His Majesty the King of the Belgians.

Accept [etc.]

ROBERT LANSING

File No. 811.203/22

*The Acting Secretary of State to the Chargé in Great Britain
(Laughlin)*

[Telegram]

WASHINGTON, July 17, 1918, 5 p. m.

264. Your 9748, April 27, 1 p. m., respecting jurisdiction over American military forces in England. You may communicate regarding this matter with British Government in sense of following:

The note of the British Foreign Office dated April 26 last, with its additional proposals, is regarded by this Government as containing conditions which would create a very dangerous situation as regards the forces of this Government in British territory. The competent authorities of this Government are of the opinion that the result of entering into an agreement such as that proposed in the above-mentioned note would be a partial surrender by the American forces to the British Government of jurisdiction over the military forces of the United States located within British territorial limits for offenses committed on American warships or in American camps and would involve the lack of proper recognition of the character

and competency of the existing American military tribunals. In view of the foregoing and since the British Government has already entered into an agreement upon this subject with the Government of France dated December 15, 1915, which agreement is substantially the same as was entered into between the Governments of the United States and France, it is respectfully suggested that the British Government may desire to submit a proposal embodying the same terms as those contained in the French-American note dated January 14, 1918,¹ which would receive the favorable consideration of the United States Government.

POLK

File No. 811.203/28

The French Ambassador (Jusserand) to the Secretary of State

[Translation]

WASHINGTON, July 11, 1918.

[Received July 17.]

MR. SECRETARY OF STATE: In reminding me of the scope of the notes which I had the honor to exchange with Your Excellency under dates of January 3 and 14, last,² respecting military penal jurisdiction and affecting persons coming under such jurisdiction regardless of the territory where the forces operate and of the nationality of the men concerned, my Government notes that it has thereby relinquished the right to seek and prosecute the French deserters and delinquents who might come to France as members of the American Army.

Without the slightest intention of eluding the engagements reciprocally made in that connection, the Government of the Republic deems it its duty unofficially to point out to the Federal Government certain awkward consequences that may result from the operation of those provisions and which it believes it very important to remedy.

The French military authorities have indeed had occasion to note the presence of French deserters or delinquents among non-combatant American troops either in the army zone or in the interior, and this may create regrettable incidents from the standpoint of public order. Those men might be recognized by former comrades in arms or by the Frenchmen whom they met in France or the United States and who are doing or have done their duty as combatants, at the risk of their lives. For instance, one Giselon, a French deserter, was recently identified at Chaumont while doing police duty in the American Army.

Without questioning the right of the Federal Government and Commander in Chief of the American Armies to use the services

¹Ante, p. 736.

²Ante, pp. 735, 736.

of Frenchmen belonging to the American Army as they see fit or as may best befit the man's aptitude, my Government believes it has a right to prevent, as far as possible, friction or even public scandal that might be attended with very unpleasant consequences.

If the Federal Government were disposed, for its part, to make allowance for the apprehensions caused to the French authorities by that condition of affairs, it seems that it might send to the front as combatants or keep in the United States with the local forces the French deserters or delinquents who have enlisted in its Army. Both these solutions would have the happy result that the Frenchmen who answered the call to the colors on the very day of mobilization and stood true to the flag would have no opportunity to manifest sentiments liable to misinterpretation by the American authorities.

I am instructed to add that it would also be to the interest of the French delinquents and deserters wearing the American uniform to be called to the honor of fighting the enemy at the front.

The agreement contemplated by the two Governments with respect to military service provides that French delinquents who fight at the front will be given the equivalence of their services. On the other hand, the French deserters sheltered from search or prosecution while in an American uniform, by virtue of the notes of January 3 and 14, but wishing hereafter to clear their situation under the French law could, in all likelihood, rely on the clemency of their judges if they can show proof that they actually bore arms and so atoned for their desertion.

I venture to draw Your Excellency's very special attention to this matter to the settlement of which the French High Command attaches great importance.

Be pleased to accept [etc.]

JUSSERAND

File No. 811.203/29

The Secretary of State to the French Ambassador (Jusserand)

No. 2216

WASHINGTON, August 24, 1918.

EXCELLENCY: Referring to your note of July 11, 1918, in which, with reference to the exchange of notes between the Governments of the United States and of France respecting military penal jurisdiction, you advised me that your Government notes that it has thereby relinquished the right to seek and prosecute the French deserters and delinquents who might come to France as members of the American Army, and pointed out the awkward consequences that may proceed from the operation of those provisions, which the French Government believe it very important to remedy, I have now the honor to inform you of the receipt of a letter on this subject from the Secretary of War.

Secretary Baker states that this matter has been called to the attention of the Commanding General of the American Expeditionary Forces, with instructions to take steps to correct this situation. The Secretary of War adds that any assistance which the French Government can render the Commanding General of the American Expeditionary Forces in locating men of the classes referred to by Your Excellency will facilitate a proper disposition of their cases.

Accept [etc.]

ROBERT LANSING

File No. 811.203/32

The Belgian Minister (De Cartier) to the Secretary of State

[Translation]

WASHINGTON, *September 6, 1918.*

[Received *September 9.*]

MR. SECRETARY OF STATE: By note of July 5 last Your Excellency was pleased to inform me that the President of the United States, in his capacity as Commander in Chief of the armed forces of that country, had authorized Your Excellency to propose to me a settlement, by an exchange of notes, of the question of penal military jurisdiction over the Belgian and American Armies jointly participating in the present war.

Your Excellency was pleased to reproduce in that note the terms of the contemplated arrangement, the French text of which is as follows:

[Here follows the French version of the English text quoted in note of July 5, *ante*, page 747.]

Duly authorized thereto by my Government, I have the honor to inform Your Excellency that the terms of the aforesaid note are accepted by it and that the provisions therein contained are in consequence executory from this moment.¹

My Government proposes immediately to publish, to that end, the notes thus exchanged, in the *Moniteur Belge*.

I avail myself [etc.]

E. DE CARTIER

File No. 811.203/36

The Chargé in Great Britain (Laughlin) to the Secretary of State

[Telegram]

LONDON, *December 9, 1918, 6 p. m.*

[Received *7.17 p. m.*]

4452. Your 264, July 17, 5 p. m.² Maintenance of discipline among American troops stationed in the United Kingdom. Foreign Office inform me that British military authorities are prepared in

¹The two Governments agreed in 1933 that the arrangement of Sept. 6, 1918, was no longer binding. (Belgian note of Feb. 18, 1933; instruction of Apr. 6, 1933, to the Chargé in Belgium. File No. 811.203/93.)

²*Ante*, p. 748.

deference to wishes of the United States Government to agree to omission from the proposed agreement of the terms mentioned in the memorandum marked "A" communicated in Embassy's telegram 9748, April 27, 1 a. m. [*p. m.*]¹ and inquire whether the United States Government would now be prepared to enter into an agreement on terms similar to those of Franco-American note of January 14 last² and if so whether it is desired that British Government submit draft for consideration.

LAUGHLIN

File No. 811.203/37

*The Acting Secretary of State to the Ambassador in Great Britain
(Davis)*

[Telegram]

WASHINGTON, *January 20, 1919, 6 p. m.*

4160. Your 4452 December 9, 6 p. m. You may communicate with British Government in sense of following: It is agreeable to Government of United States to enter into an agreement with Great Britain on terms similar to those of Franco-American note of January 14, 1918, and Government of United States suggest that British Government submit draft of agreement for consideration.

POLK

File No. 811.203/39

The Ambassador in Great Britain (Davis) to the Secretary of State

[Telegram]

LONDON, *March 21, 1919, 5 p. m.*

[*Received 5.12 p. m.*]

1469. Your 4160, January 26 [20], 6 p. m. Foreign Office just informs me British military authorities are inclined to the opinion that it has now become unnecessary owing to the present military situation to proceed with the agreement referred to in the Department's 4160 but requests that the views of the United States Government on this point may be obtained and adds that should it still desire the agreement to be proceeded with the British military authorities will readily submit a draft for the consideration of the Department.

DAVIS

¹*Ante*, p. 744.

²*Ante*, p. 736.

File No. 811.203/40

*The Acting Secretary of State to the Ambassador in Great Britain
(Davis)*

[Telegram]

WASHINGTON, April 11, 1919, 6 p. m.

5106. Your 1469, March 21, 5 p. m.

War Department is of opinion that such an agreement as that proposed is desirable both as a practical solution of questions that have arisen or that may hereafter arise by reason of the presence of American forces on British soil, as a result of the present war.

Communicate foregoing to Foreign Office and request it to submit at an early date a draft of proposed agreement for consideration by Department.

POLK

File No. 811.203/42

The Chargé in Great Britain (Wright) to the Secretary of State

No. 837

LONDON, June 5, 1919.

[Received June 28.]

SIR: With reference to the Department's telegram No. 5106 of April 11, 6 p. m., in regard to the maintenance of discipline amongst the American troops stationed in this country, I have the honor to report that, in compliance with the instructions of the Department, the contents of the above telegram were brought to the attention of the Foreign Office, with the request that a draft of the proposed agreement be submitted for the consideration of the Department.

I now have the honor to transmit herewith a copy of a note, No. 79756/45.A., of May 31, 1919, which has been received from the Foreign Office in the premises, together with a copy of the draft agreement therein enclosed.

I have [etc.]

J. BUTLER WRIGHT

[Enclosure]

*The British Acting Secretary of State for Foreign Affairs (Curzon)
to the American Ambassador (Davis)*

No. 79756/45.A.

Earl Curzon of Kedleston presents his compliments to the United States Ambassador and, with reference to the note which His Excellency was good enough to address to him on the 12th ultimo, relative to the maintenance of discipline amongst American troops stationed in the United Kingdom has the honour to transmit here-

with a draft of the proposed agreement in accordance with the wishes of the United States Government.

Lord Curzon desires to point out that the draft agreement refers only to persons subject to military law and that, if it is desired to extend its scope to cover persons subject to naval or air force law, it will be necessary to consult the Admiralty and the Air Ministry.

LONDON, *May 31, 1919.*

[Subenclosure]

Draft of an Agreement to be Entered into between the Government of the United States of America and the Government of Great Britain

The Government of Great Britain and the Government of the United States of America agree to recognise during the present war the exclusive jurisdiction of the tribunals of their respective Armies with regard to persons subject to the military law of those Armies whatever be the territory in which they operate or the nationality of the accused.

In the case of offences committed jointly or in complicity by persons subject to the military law of the said Armies the principals and accessories subject to the military law of the American Army shall be handed over to American jurisdiction and the principals and accessories subject to the military law of the British Army shall be handed over to British jurisdiction.

The Government[s] of Great Britain and the United States of America further agree to recognise during the present war the exclusive jurisdiction within American territory of American justice over persons not subject to the military law of the British Army who may commit acts prejudicial to the said Army and the exclusive jurisdiction of British justice within British territory over persons [not] subject to the military law of the American Army who may commit acts prejudicial to the said Army.

This agreement shall be regarded as having effect as from the 22d day of March 1918.

File No. 811.203/45

The French Ambassador (Jusserand) to the Secretary of State

[Translation]

WASHINGTON, *July 13, 1919.*

[Received July 16.]

MR. SECRETARY OF STATE: My Government has just advised me that owing to the delay to be foreseen in the departure of Allied troops and services from France, it deems it expedient to maintain in opera-

tion even after the treaty of peace is ratified the declarations relative to military penal jurisdiction.

It therefore wishes me to propose to the Federal Government simultaneously to publish at an early date a note to the effect that the two Governments concerned have agreed to maintain in full force and effect, until further notice, the Franco-American declaration of January 3/14, 1918.

I should be thankful to Your Excellency if you would kindly let me know at your earliest convenience how this proposal was received by the Federal Government.

Be pleased to accept [etc.]

JUSSERAND

File No. 811.203/50

The Secretary of State to the French Ambassador (Jusserand)

WASHINGTON, August 10, 1919.

EXCELLENCY: I have the honor to refer to your note of July 13, 1919, in which you state that your Government deems it expedient to maintain, even after the treaty of peace is ratified and until further notice, the Franco-American arrangement of January 3-14, 1918, relative to military penal jurisdiction.

I have the honor to inform you that such continuation appears desirable also to this Government, and to propose that this arrangement, after the conclusion of peace, continue to be recognized in full force and effect until 30 days after notice of its termination shall have been given by either Government.

Should this modification in regard to the termination of the aforesaid arrangement be acceptable to the Government of the French Republic, your formal notification in writing to that effect will be understood on the part of the Government of the United States as giving validity to the proposed modification, and I shall be glad to receive your assurance that it will be so understood also on the part of the Government of the French Republic.

Accept [etc.]

ROBERT LANSING

File No. 811.203/53

The Secretary of State to the Ambassador in Great Britain (Davis)

[Telegram]

WASHINGTON, August 13, 1919, noon.

5804. Reference your despatch No. 837, June 5, 1919.

Propose to Foreign Office that arrangement be made in regard to military penal jurisdiction in following form:

The Government of the United States of America and the Government of Great Britain recognize during the war, and until 30 days

after notice of the termination of this arrangement shall have been given by either Government, the exclusive jurisdiction of the tribunals of their respective land and sea forces with regard to persons subject to the jurisdiction of those forces whatever be the territory in which they operate or the nationality of the accused. In the case of offenses committed jointly or in complicity with persons subject to the jurisdiction of the said military forces, the principals and accessories who are amenable to the American land and sea forces shall be handed over for trial to the American military or naval justice, and the principals and accessories who are amenable to the British land and sea forces shall be handed over for trial to the British military or naval justice.

The Government of the United States of America and the Government of Great Britain further recognize during the present war, and until 30 days after notice of the termination of this arrangement shall have been given by either Government, the exclusive jurisdiction within American territory of American justice over persons not belonging to the British land and sea forces who may commit acts prejudicial to the said military forces and the exclusive jurisdiction, within British territory, of British justice over persons not belonging to American land and sea forces who may commit acts prejudicial to the said military forces.

The word "persons" as used in the first paragraph of this arrangement designates, together with the persons enrolled in the Army, Navy and Marine Corps, any other person who under the American or British law is subject to military or naval jurisdiction, especially members of the Red Cross regularly accepted by the Government of the United States of America or the Government of Great Britain in so far as the American or British law and the customs of war place them under military or naval jurisdiction.

LANSING

File No. 811.203/56

The French Ambassador (Jusserand) to the Secretary of State

[Translation]

WASHINGTON, August 29, 1919.

[Received August 30.]

MR. SECRETARY OF STATE: My Government to which I did not fail to report the substance of your note of August 10, wishes me to inform Your Excellency that it accepts the solution proposed by you for the continuation of the Franco-American arrangement relative to military penal jurisdiction. The said arrangement will, therefore, continue in force after the conclusion of peace, but may be denounced by either contracting party upon a 30-day previous notice.

As requested by Your Excellency, this note, being an answer to yours of August 10, will of itself suffice to give validity to the above stated modification of the agreement of January 3-14, 1918.

Be pleased to accept [etc.]

JUSSERAND

File No. 811.203/49

*The Secretary of State to the Belgian Chargé (Symon)*WASHINGTON, *September 2, 1919.*

SIR: I have the honor to refer to the arrangement relative to military penal jurisdiction as set forth by my note to your Legation dated July 5, 1918,¹ and your Legation's reply note dated September 6, 1918,² and to point out that, in accordance with its terms, it will continue only for the duration of the present war. In view of the fact that the war may be considered terminated in the near future, and that it may be desirable to continue the arrangement in force for a further period during the demobilization of the military forces, I have the honor to propose that this arrangement, after the conclusion of peace, continue to be recognized in full force and effect until 30 days after notice of its termination shall have been given by either Government.

Should this modification in regard to the termination of the aforesaid arrangement be acceptable to your Government, formal notification in writing to that effect will be understood, on the part of the Government of the United States, as giving validity to the proposed modification, and I shall be glad to receive your assurance that it will be so understood also on the part of your Government.

Accept [etc.]

ROBERT LANSING

File No. 811.203/60

*The Belgian Chargé (Symon) to the Secretary of State*WASHINGTON, *October 20, 1919.*

[Received October 21.]

SIR: In reply to your note of October 15, 1919 (811.203/49),³ I have the honor to advise you that the Belgian Government is disposed to continue the arrangement relative to military penal jurisdiction, as suggested in your notes of August 13³ and September 2, 1919.

My Government has instructed me to inform them by cable when the Government of the United States will issue a declaration on the subject and I would appreciate it very much if you would be so kind as to enable me to comply with this request by advising me on what date such declaration will have been made.

Please accept [etc.]

C. SYMON

¹ *Ante*, p. 747.² *Ante*, p. 751.³ Not printed.

File No. 811.203/60

*The Acting Secretary of State to the Appointed Belgian Ambassador
(De Cartier)*

WASHINGTON, *October 25, 1919.*

EXCELLENCY: I have the honor to acknowledge the receipt of your note of October 20, 1919, in which you were so kind as to advise me of the acceptance by the Belgian Government of the modification suggested in my note of September 2, 1919, in regard to the existing arrangement relative to military penal jurisdiction.

In reply to the inquiry as to when notice of this modification will be given, I have the honor to inform you that I shall forthwith advise the appropriate branches of this Government in regard to this modification. I shall appreciate it very much if you will be so kind as to inform me the date on which the appropriate declaration will be made on the part of your Government, and if you will also be so kind as to confirm my understanding that the aforesaid arrangement has not been terminated by the ratification on the part of your Government of the treaty of peace with Germany or otherwise, and that said modification may be considered as taking effect on October 20, 1919, the date of your note under acknowledgment.

Accept [etc.]

WILLIAM PHILLIPS

File No. 811.203/62

*The Appointed Belgian Ambassador (De Cartier) to the Secretary
of State*

WASHINGTON, *November 10, 1919.*

[*Received November 12.*]

SIR: I have brought to the knowledge of my Government the wish expressed in your letter of October 25, 1919 (811.203/60), concerning the acceptance by the Belgian Government of the modification suggested in your note of September 2, 1919, in regard to the existing arrangement relative to military penal jurisdiction.

I have now the honor to advise you that my Government has informed me that the notice, that the existing arrangement relative to military penal jurisdiction will continue to be in force, was published in the *Moniteur Belge* of November 8, 1919; besides my Government agrees that the said modification will be considered as taking effect on October 20, 1919.

Please accept [etc.]

E. DE CARTIER

File No. 811.203/67

The Ambassador in Great Britain (Davis) to the Secretary of State

[Telegram]

LONDON, *December 20, 1919, 1 p. m.*

[Received 2 p. m.]

3563. Your 6257, December 10, 2 p. m.¹ I learn informally that upon the Foreign Office's referring the military convention proposal to the departments concerned, the latter have delayed replying upon assumption that with conclusion of peace the matter would lapse. The Foreign Office has conveyed to them its decision to reply to my representations no later than the 28th instant, but this answer will probably be unfavorable to the proposed convention.

Confidential. Foreign Office believes that it would be advantageous to conclude such a convention and does not favor attitude of the military departments. I respectfully request therefore that I be furnished with further information regarding the views of the American Government in this matter in order that my renewed representations may be effective.

DAVIS

File No. 811.203/68

The Acting Secretary of State to the Ambassador in Great Britain (Davis)

[Telegram]

WASHINGTON, *December 26, 1919, 5 p. m.*

6310. Your 3563, December 20, 1 p. m.

Inform Foreign Office that arrangement in question is considered necessary by this Government so long as any American forces are maintained in British territory, and that it is believed that it should be concluded without further delay. Impress upon Foreign Office importance attached by this Government to conclusion of the arrangement and report promptly developments.

POLK

File No. 811.203/70

The Ambassador in Great Britain (Davis) to the Secretary of State

[Telegram]

LONDON, *January 6, 1920, noon.*

[Received 11.09 a. m.]

23. Your 6310, December 26, 5 p. m. Foreign Office requests further information as to the reasons which make it desirable, in the

¹Not printed; see telegram No. 5804, Aug. 13, *ante*, p. 755.

opinion of the American Government, to proceed to the elaboration of a military agreement of the sort proposed. British Government is disposed to think that the conclusion of the convention at this date would not be of any great utility and in order that the matter may be reexamined the Foreign Office would be glad to receive further particulars as to the views of the American Government in the matter.

DAVIS

File No. 811.203/73

The Secretary of State to the Ambassador in Great Britain (Davis)

[Telegram]

WASHINGTON, January 30, 1920, 5 p. m.

88. Your 23, January 6, noon.

War and Navy Departments state that inasmuch as American forces have now been withdrawn from British territory, there is no longer any necessity for consummation of such an arrangement.

Communicate foregoing to Foreign Office, and state that this Government acquiesces in the abandonment of the project.

LANSING

VIII

MISCELLANEOUS SUBJECTS

MARRIAGES OF MEMBERS OF AMERICAN FORCES IN FRANCE

File No. 851.4054/8

The French Ambassador (Jusserand) to the Secretary of State

[Translation]

WASHINGTON, *January 26, 1918.*

[*Received February 1.*]

MR. SECRETARY OF STATE: The sojourn in French territory of American troops which must be expected to involve ever growing numbers and to last for a time to which no limit can be set has led my Government to consider the necessity of taking in accord with the Federal Government measures calculated to prevent the difficulties that may arise and the serious troubles that may result from irregular marriages of French women to soldiers of the American Armies in connection with the existing exceptional circumstances.

The French Minister of Justice has drawn the special attention of the Minister of Foreign Affairs of the Republic to the interest which attaches to arriving without further delay at an agreement between the two Governments regulating the formalities to be fulfilled by American soldiers wishing to marry French women in French territory during the hostilities.

Taking into account the discrepancies that may be found in the marriage laws of the several States of the Union together with the fact that the mobilized American forces are placed under one military command my Government would deem it necessary to have the question settled by means of a military measure ordered by the Commander in Chief of the American Armies and enforceable on all the men belonging to the said Armies.

In this respect the French Government would be interested in knowing whether marriages of American soldiers are subject to the previous assent of corps commanders, and whether and how banns must be previously published in America. It would further deem it very desirable to obtain from the Federal Government guarantees on this point equivalent to that furnished, in the case of a British soldier for instance, by the "statutory declaration" to which very severe penalties are attached by the penal law of the United Kingdom in addition to the penalties provided by the Army regulations.

In order to facilitate as far as possible the Federal Government's examination of this important question, I have the honor to forward herewith to Your Excellency copies of the arrangements arrived at on the subject by the French and English authorities, viz.:

1. The note written to the Ambassador of France at London by the Secretary of State for Foreign Affairs of the United Kingdom under date of June 19 last;
2. The general order issued by the Field Marshal in Chief Command of the British Armies in France under date of June 4, 1917.

These two papers contain the essential parts of the agreement concluded on this point by the French and English Governments.

I will however add that it was further agreed:

1. That the contemplated provisions should apply not only to the British soldiers of the European Army but also to those of the British Colonial Armies.
2. That with respect to the customary certificate delivered in due course by diplomatic or consular officers, its necessity did not seem so imperative, considering the value of the papers which British soldiers must henceforth produce.
3. That, among the said papers, a certificate of baptism may validly take the place of a certificate of birth when Scotch and Irish soldiers are concerned, under the provisions of their own local law.
4. Finally, and this on the request of the British Government, that copies of marriage certificates issued by the French authorities when the parties are French women and British soldiers shall be regularly and as promptly as possible furnished by the French Minister of the Interior to the Minister of Foreign Affairs of the Republic who will deliver them through the Embassy of France at London to the Foreign Office.

I shall be very thankful to Your Excellency if you will kindly acquaint me with the Federal Government's views and disposition as to settlement of this question which is one of very great interest to the Government of the Republic.

Be pleased to accept [etc.]

JUSSERAND

[Enclosure—Translation]

The British Secretary of State for Foreign Affairs (Balfour) to the French Ambassador at London (Cambon)

LONDON, June 19, 1917.

EXCELLENCY: Referring to M. de Fleuriou's memorandum of the 2d instant relative to marriages in France between British soldiers and French women, I have the honor to transmit herewith to you for the information of Your Excellency's Government a copy of the general field order issued on the subject by the Field Marshal in Chief Command of the British Armies in France. It will be seen

on perusal of the document that a statutory declaration and not an affidavit is required of the soldier who wishes to marry. The said declaration is the form provided by the law of England for cases like those under consideration and the adoption of this procedure would afford the same safeguard as would be fixed in an affidavit in cases where it could be resorted to.

I have been advised that no regulation form is prescribed for the certificate of the officer in charge of records. That certificate, as I have had the honor to inform Your Excellency by my note of January 31 last, is the one that will best fit the peculiar conditions of each individual case and it will be drawn up in accordance not only with the declarations entered in the soldier's personal record but also the information that may be at the disposal of the officer in charge of records. That is the reason why the form of the certificate may vary according to circumstances and why the adoption of a fixed regulation form to be used in every case would very likely seem to be apt rather to lessen the value of those papers.

I have [etc.]

For the Secretary of State:

W. LANGLEY

[Subenclosure—Translation]

General Field Order of Field Marshal Sir Douglas Haig, Commander in Chief, British Armies in France

GENERAL HEADQUARTERS, June 4, 1917.

MARRIAGES BETWEEN BRITISH SOLDIERS AND FRENCH WOMEN

A soldier wishing to do what is necessary in order to marry a French woman shall:

1. Immediately notify the officer in command of his unit who will then take the action herein below specified;
2. Obtain a copy of his birth certificate;
3. Obtain a certificate showing that the banns have been published at his usual residence in England;
4. Make a statutory declaration as provided by the Act of 1835 in which he will affirm that he is legally competent to contract marriage.

This declaration may be made before a justice of the peace, a notary public or an oath commissioner. There is an oath commissioner at the General Headquarters, at the headquarters of each army and a list of available officers who are justices of the peace shall be kept at the headquarters of every division and base.

The declaration shall be drawn up as follows:

I the undersigned (names and surname of the declarant) solemnly and sincerely declare that I am unmarried and legally competent to contract a valid marriage and I make this solemn

declaration believing it in my soul and conscience to be true and in accordance with the Act of 1835 relative to statutory declarations.

Declared at ----- this ----- (day of the week and month) of ----- 19----

Before me (names and surname of the officer, justice, notary or commissioner before whom the declaration is made).

(Signature of the said officer) -----

(His office) -----

The person before whom the declaration is made shall ask the declarant:

Are these your names and handwriting?

You solemnly and truly declare that the contents of this document which is your declaration are stating the truth.

The officer in command of the unit, immediately upon receiving notice of the contemplated marriage will instruct the D.A.G. 3d echelon who will inquire of the officer in charge of records whether he has any information showing that the soldier concerned is already married. The D.A.G. 3d echelon will report the result of his inquiry to the officer in command of the unit.

The officer in command of the unit will then send:

1. The report of the D.A.G. 3d echelon;
2. The soldier's certificate of birth;
3. The certificate obtained by the soldier as to the publication of the banns;
4. The soldier's statutory declaration;
5. A translation of the several documents above named certified to be true by an interpreter officer;

to the Republic's attorney of the district in which is the commune where the marriage is to be solemnized.

The Republic's attorney will arrange the particulars of the marriage ceremony with the mayor of the commune where it is to take place.

File No. 851.4054/10

*The Acting Secretary of State to the French Ambassador
(Jusserand)*

No. 2097

WASHINGTON, *March 12, 1918.*

EXCELLENCY: I have the honor to refer to your note of January 26, 1918, in which you suggested the necessity of some agreement being made between this Government and the Government of the Republic in order to prevent difficulties which may arise as a result of irregular marriages of French women to soldiers in the American Armies. As you were informed in the Department's note of February 21,¹ the matter was referred to General Pershing for an expres-

¹ Not printed.

sion of his views and I have the honor to give as follows, for your information, an extract of a cablegram received from him on this subject:

Have delayed replies awaiting expression of French wishes which has not yet been received. Impossible in most cases for our soldiers to obtain, as do the British, copies of birth certificates and certificate of publication of banns at soldier's domicile as required by French code. Concur with Judge Advocate General as to affidavit by soldier of competency and that affidavit state whether bachelor, widower or divorced man, but believe that divorced men should be required to produce an authenticated copy of the decree of divorce. Also believe there should be a certificate by the soldier's company commander that he believes the soldier's affidavit to be true.

The Secretary of War states that General Pershing has been directed to issue, upon the receipt of an expression of views of the French Government, such instructions as he may deem most expedient to cover such marriages. The Secretary of War has also promised to inform this Department of the final action taken in this matter.

Accept [etc.]

FRANK L. POLK

File No. 851.4054/11

The French Ambassador (Jusserand) to the Secretary of State

[Translation]

WASHINGTON, *March 28, 1918.*

[*Received April 1.*]

MR. SECRETARY OF STATE: Referring to my note of January 26 last and to that which Your Excellency was pleased to send me under date of the 12th of this month on the same subject, I have the honor to submit herein below to you the bases upon which my Government deems it possible for the two Governments to arrive at an agreement relative to the marriages of French women to soldiers of the American Army.

Taking into consideration the law in force in the United States it would seem possible to relieve the Americans mobilized in France from the obligation to produce a certificate of birth and a certificate of publication of banns, in order to contract marriage in France. But in that event it would become necessary to require of American citizens desiring to marry in France an "affidavit" or declaration made under oath in which they would affirm their civil condition and capacity to contract marriage. This would correspond to the "statutory declaration" required of soldiers of the British Armies. It would be advisable to agree upon the form of such affidavits and the French Government would like to know the customary form of such documents in the United States.

In addition my Government is considering the necessity of asking the American military authorities to deliver to their nationals mobilized in France a "marriage license" like that in use in the United States, viz., a paper so drawn as to corroborate the statements in the affidavit and bearing on the condition and matrimonial capacity of the bearer. The point yet to be determined would be what military authority should deliver such licenses.

Finally it would seem desirable to provide for the recording in the United States of marriages contracted in France.

The foregoing outlines in the main the intentions of the Government of the Republic with respect to the formalities to be observed by American soldiers wishing to marry in France; but before reaching a final decision on the subject it would like to receive official confirmation of the fact that there is no record kept in the United States which would justify a demand on the Americans mobilized in France to produce a certificate of birth, or, failing this, a statement indicating the States where no such record exists, and also, that it is not customary to publish banns before solemnizing the marriage.

My Government would attach value to receiving an answer at the earliest possible date in order to make its final conclusions known to the American military authorities in France.

Be pleased to accept [etc.]

JUSSERAND

File No. 851.4054/13

The French Ambassador (Jusserand) to the Secretary of State

[Translation]

WASHINGTON, April 30, 1918.

[Received May 1.]

MR. SECRETARY OF STATE: In view of the growing number of applications coming in from all quarters, the Government of the Republic again brings to my notice its desire that steps should be taken at the earliest moment with the Federal Government to bring to a conclusion the agreement which is to regulate the solemnization in France of marriages of American soldiers and French women.

I was given at the same time with more precision than I was able to impart in my note of March 28 last to Your Excellency the provisions which in our opinion should be embodied in that instrument and the particulars on which the two Governments should come to an early agreement.

The provisions are as follows:

Any American soldier in order to marry a French woman in France during the stay of the American Armies in France would be required to produce the following papers that would be sufficient:

1. An affidavit (or declaration in writing under oath) in which the soldier concerned should define and affirm his civil status and

capacity to contract marriage. The soldier shall be permitted to offer in place of that paper the affidavit of a third party to establish his civil status and capacity to contract marriage.

2. A certificate (or attestation) by which the American military authorities to whose command the soldier belongs should corroborate the statements in the affidavit. Should the American soldier declare that he is not a bachelor, but a widower or divorced husband, he would have to produce, according to the circumstances:

3. A certificate of the proper Federal authorities showing either that the woman of whom the affiant declares himself to be the widower is deceased or that the decree of divorce is final.

My Government would further consider it desirable to insert in the future agreement the following stipulations:

The American soldier should make in his affidavit all the usual statements under the Army regulations of the United States as to his military status and assignment on that date.

It would also be expedient to decide what American military authorities will be competent to certify to the statements in the affidavit of a soldier belonging to corps of the American service (commanding officer of the unit, corps, or service).

Finally it would also be advisable likewise to decide what are or will be the competent Federal authorities that will eventually issue either the certificate of death of the woman of whom the soldier declares he is the widower, or the certificate that the decree granting him his divorce is final.

I should be very thankful to Your Excellency if after consultation with the Honorable the Secretary of War, you would kindly acquaint me with the views of the Federal Government on the suggestions I have had the honor to offer herein in behalf of my Government and let me know whether you are ready to adopt the above stated rules. If Your Excellency were pleased to accept them, you would greatly oblige me by communicating to me in the form of a draft the text which you would sign with me, and also the instructions which the War Department would propose to issue on the subject to the American Armies in France.

Be pleased to accept [etc.]

JUSSERAND

File No. 851.4054/16

The Secretary of State to the French Ambassador (Jusserand)

No. 2158

WASHINGTON, June 12, 1918.

EXCELLENCY: Referring to your note of April 30, and to previous correspondence respecting the agreement proposed between the Government of the French Republic and the United States Government to prevent difficulties which may arise as a result of

the irregular marriages of French women to soldiers in the American Army, I have the honor to enclose a copy of a form of affidavit to be made by the declarant and certificate to be made by the military authorities, which will be acceptable to the War Department and which apparently coincides with the ideas of the French Government as suggested in Your Excellency's notes of March 28, and April 30.

With respect to a form stating the fact of the marriage, to be recorded in the United States, the War Department suggests that under the present regulations the fact of the marriage is made a matter of record sufficient to protect the woman and does not require an additional form. In case Your Excellency's Government deems such a form essential, although Your Excellency's note of April 30, apparently waived this point, a form is attached which the War Department considers will answer the requirement.

In reply to the inquiries of your Government as to what Federal authorities can furnish the legal evidence of the death or divorce of the previous wife, I regret to inform you that there is no such authority and that recourse will have to be had to the local civil authorities in the United States, the requirements for which are covered in the enclosed form.

Accept [etc.]

ROBERT LANSING

[Enclosure 1]

Form Suggested for the Affidavit to be Signed and Sworn to by the Soldier Contemplating Marriage

I, _____, _____, _____, _____,
 (Rank) (Name) (No.) (Organization)
 _____, of United States, make oath and say that I was
 (N.A., N.G., or R.A.)
 born at _____, _____, on _____; that my
 (Town) (State) (Date)
 present home address is _____;
 (No.) (Street) (Town) (State)
 that I am unmarried; and that I know of no reason why I have not capacity
 to contract a valid marriage; that I have _____ been married before.
 * My former wife _____
 (Died or was divorced) (Date)
 (Signed) _____
 Signed by the said _____ in my presence
 (Name)
 and by him sworn to before me this _____ day of _____
 191__ at _____
 (Signed) _____
 (Rank) _____

* Note: If deceased or divorced, a certified copy of death certificate or of decree of divorce furnished by civil authorities must be attached to this paper.

[Enclosure 2]

*Form Suggested for the Certificate to be Signed by the Company
Commander of the Soldier Contemplating Marriage*

----- France ----- 19---

I, -----
(Rank) (Name) (Organization)do hereby certify that I am one of the superior officers of -----
(Name)

and that I believe the statements in his foregoing affidavit to be true.

(Signed) -----

(Rank and organization) -----

[Enclosure 3]

*Form Suggested for Record of Marriages; to be Filed with The
Adjutant General*Be it remembered that on this the ----- day of -----,
(Month)191---, at -----,
(City) (Country) (Rank) (Name)-----,
(No.) (Organization), was lawfully married to -----

In testimony whereof this certificate is now signed this ----- day

of -----, 191---, by the aforesaid ----- and by

the person solemnizing the marriage, namely, -----, the

maire of arrondissement -----
(Address)(Signed) -----
(Contracting Party)-----
(Officiating Party)

File No. 851.4054/21

The French Ambassador (Jusserand) to the Secretary of State

[Translation]

WASHINGTON, July 28, 1918.

[Received July 31.]

MR. SECRETARY OF STATE: I have had the honor, by letter of May 26,¹ of calling the attention of Your Excellency to the importance that the French judicial authorities attach to having a penal sanction enacted against any soldier of the American Army having signed, for the purpose of contracting marriage with a French woman, an affidavit not conforming to the truth.

¹ Not printed.

It appears from information furnished unofficially to this Embassy that the Federal law not providing for an oath in the matter of marriages, no punishment could be inflicted upon the soldier guilty of perjury, if the military authority does not order some special rules to that effect.

Besides, having returned to his home, the soldier, because of this, would escape in the present state of legislation, the Federal jurisdiction, and would only be amenable to the jurisdiction of the State where he resides, in the eyes of which the recording of the marriage on the military registers would not constitute necessarily an indisputable proof of the union contracted in France; the prosecution even on the charge of bigamy would be, by that, made difficult. Under these conditions the soldier being guilty of a false oath and having thereby contracted a marriage which might not be recognized as valid would have a chance to escape all punishment, which would only be an encouragement to do wrong.

From that which has been indicated to me the only efficacious means to remedy this state of things would be the adoption by the Federal Congress of a new legislative provision enacting a penal sanction against the soldier having produced a false affidavit.

Under these conditions, and by order of my Government, I have the honor to have recourse to Your Excellency's courtesy in order that taking into account these considerations you will kindly, on the one hand, move the military authorities to adopt special rules providing some disciplinary penalties against any soldier making a false oath in his affidavit, and on the other hand, introduce in the Federal Congress a bill permitting the prosecution, on his return to the United States, of any ex-soldier guilty of perjury in connection with his marriage.

Please accept [etc.]

JUSSERAND

File No. 851.4054/22

The Secretary of State to the French Ambassador (Jusserand)

No. 2233

WASHINGTON, September 14, 1918.

EXCELLENCY: Referring to your note of July 28 and to previous correspondence regarding the marriage of members of the American military forces in France to French women, in which you state that it is somewhat doubtful that an American soldier who complies with the formalities of French marriage laws and pretends to marry a French woman, although he is already married, could be punished under any existing State or Federal penal statutes of this country or could be punished for swearing falsely in the affidavits which the War Department has suggested can be required of American soldiers

desiring to marry French women, I have the honor to inform you that the War Department states that the 96th Article of War provides for the punishment of soldiers committing bigamy or uttering false affidavits.

For your information the Department may state that the 96th Article of War above referred to provides as follows:

ART. 96. General Article.—Though not mentioned in these articles, all disorders and neglects to the prejudice of good order and military discipline, all conduct of a nature to bring discredit upon the military service, and all crimes or offenses not capital, of which persons subject to military law may be guilty, shall be taken cognizance of by a general or special or summary court-martial, according to the nature and degree of the offense, and punished at the discretion of such court.

As regards the prosecution of a soldier after his discharge from the military service and his return to the United States in case he has been guilty of perjury or bigamy in connection with the marriage ceremony in France, relative to which you suggest that a bill be introduced in Congress providing for the prosecution of such a soldier upon his return to this country, the War Department now informs me that a bill is being drawn up for submission to Congress that will cover the cases of soldiers who are discharged before they can be brought to trial for bigamy in France.¹

Accept [etc.]

ROBERT LANSING

File No. 851.4054/26

The French Ambassador (Jusserand) to the Secretary of State

[Translation]

WASHINGTON, *November 7, 1918.*

[*Received November 9.*]

MR. SECRETARY OF STATE: I took pains to communicate to my Government the contents of the letter which Your Excellency was pleased to address to me on the 14th of September last, with respect to the repression of false declarations that might be made by American soldiers on the occasion of their marrying French women.

Upon perusal of that communication the Government of the Republic wishes me to inquire of Your Excellency whether you would be willing to exchange with me notes making now a record of the agreement of the two Governments on the principles recognized by them in the matter.

In my Government's opinion the note, of which a copy is enclosed, together with the answer it calls for constitute the agreement that

¹ *Post*, p. 774.

might be made public through an insertion on the same day in the official journals of the two countries.

I should be thankful to Your Excellency if you would kindly let me know as soon as possible whether this proceeding meets with the approval of the Federal Government.

Be pleased to accept [etc.]

JUSSERAND

[Enclosure—Translation]

*Draft of Proposed Note from the French Ambassador (Jusserand)
to the Secretary of State*

MR. SECRETARY OF STATE: According to the correspondence exchanged between us on the subject of formalities to be provided in order that every possible guarantee be given to the validity of their marriage to young French women sought in marriage by soldiers of the American Army, the Federal Government has evinced a disposition to furnish the following guarantees:

1. Production by the American soldier contemplating matrimony of a paper containing an affidavit sworn to before the Army Judge Advocate with respect to his civil condition and ability to marry;
2. Certificate of the officer in command of the unit to which the future husband belongs and insuring the accuracy of his declarations;
3. In the case of divorce, production of the certificate of the competent court showing that a decree of divorce has been issued and that the decision is final.

Besides the formalities knowledge of which should be given to the bride there would be two guarantees of another order:

First. Notification to The Adjutant General of the Army at Washington of all marriages of American soldiers in French territory;

Next. The bill which the Federal Government proposes to introduce in Congress and by virtue of which any perjury committed in an affidavit relative to the said marriage would be repressed upon the return to America of the soldier guilty of that criminal act [*sic*].

The Government of the Republic is thankful to the Federal Government for the attention it kindly gave to this question and the care with which it has taken appropriate measures to remedy abuses from which some of our country-women might have suffered.

In order to be enabled to make these useful provisions apt to facilitate marriages of French women and Americans publicly known my Government expresses a wish to receive an official assurance that they exist.

I therefore have the honor to ask of Your Excellency that you kindly confirm the above stated indications which, save error or omission on my part, appear to sum up the whole of the rules laid down for the marriages which American soldiers may happen to contract in France.

File No. 851.4054/26

The Secretary of State to the French Ambassador (Jusserand)

No. 2289

WASHINGTON, *November 27, 1918.*

EXCELLENCY: Referring to previous correspondence relating to the marriage of members of the American military forces in France to French women, and to the repression of false declarations that might be made by American soldiers in connection therewith, I have the honor to acknowledge the receipt of your note dated November 7, 1918, in which you state that your Government desires to be informed whether the Government of the United States would be willing to exchange notes with you making now a record of the agreement of the two Governments of the principles recognized by them in this matter, with which note you transmitted a copy of the draft of a note which your Government suggests it is ready to address to this Government.

This Government believes that it is desirable to include in the arrangement contemplated not only members of the Army of the United States abroad, but members of all the forces of the United States abroad, and with this in view it has requested that the Navy Department, as well as the War Department, consider the matter and also the definite suggestions of the French Government relating to the administration of the arrangements as set forth in the draft of the proposed note.

I shall take pleasure in further communicating to you the views of this Government upon receipt of replies to the letters which I have addressed to the Navy Department and the War Department relating to this matter.

Accept [etc.]

ROBERT LANSING

File No. 851.4054/30

The Acting Secretary of State to the French Chargé (De Chambrun)

WASHINGTON, *February 3, 1919.*

SIR: I have the honor to refer to the Ambassador's note of November 7, 1918, and to previous correspondence, regarding marriages of members of the American military forces in France to French women.

In this communication of November 7 the Ambassador submitted a draft of a note, which together with the answer it called for, was proposed as the agreement in this matter. I submitted the proposed agreement to the proper authorities of the Army and Navy of the United States and have received replies from these Departments from which it appears that it is desirable to extend the proposed agreement to include within its scope all persons in the military or naval forces of the United States on foreign service, and all persons in an auxiliary organization functioning in connection with the military or naval forces of the United States while on foreign service. In order that you may have a statement of the understanding of this Government as to what persons will be subject to the proposed agreement and to the regulations which will be prescribed by the Secretary of War and the Secretary of the Navy, I enclose herewith a copy of the draft of a bill which it is proposed to introduce in Congress to empower the authorities of this Government to enforce the provisions of the agreement.

If the changes which I have suggested are acceptable to the Government of the French Republic, I shall be glad if you will advise me in order that steps may be taken to prepare the agreement.

Accept [etc.]

For the Acting Secretary of State:

ALVEY A. ADEE

[Enclosure]

Draft of a Proposed Bill to Regulate the Marriage of Persons in the Military and Naval Forces of the United States in Foreign Countries, and for Other Purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purposes of this act, unless the context otherwise requires,

SECTION 1. The term "person in the military or naval forces" shall be held to include:

(a) Every person, whether commissioned, warranted, appointed, enlisted, enrolled, drafted, or serving otherwise in the Army, Navy, or Marine Corps;

(b) Every person, whether commissioned, warranted, appointed, enlisted, enrolled, drafted, or serving otherwise in the Coast Guard, Lighthouse Service, Coast and Geodetic Survey, and Public Health Service, serving, pursuant to law, with the Army or the Navy.

SEC. 2. The term "person in an auxiliary organization" shall be held to include every male or female citizen of the United States attached to and serving with any one or more of the following, viz.: American Red Cross, Young Men's Christian Association, Young

Women's Christian Association, Salvation Army, Knights of Columbus, and Hebrew Welfare Board, and with any other similar, civil, auxiliary, organization engaged in the work of aiding or entertaining the forces of the United States.

SEC. 3. The term "foreign service" shall be held to include all service outside the limits of the United States, its territories and possessions; and the term "foreign country" shall be held to include any country other than the United States, its territories and possessions.

SEC. 4. That every person in the military or naval forces of the United States while on foreign service, or in an auxiliary organization functioning in connection with the military or naval forces of the United States in a foreign country, shall, prior to contracting marriage in any foreign country, execute and subscribe an affidavit, in such form as may be prescribed by the Secretary of War and the Secretary of the Navy, in duplicate before an officer of the military or naval forces of the United States, authorized to administer oaths, in which affidavit the person desiring to marry shall make oath that he has attained the age of 21 years if male, or that she has attained the age of 18 years if female, and that he or she is unmarried, and knows of no reason why he or she may not lawfully contract matrimony, and said affidavit shall further contain a complete description of affiant, the date and place of his or her entry into the military or naval forces of the United States, or into the auxiliary organization of which he or she is a member, a statement as to whether he or she is a natural born or naturalized citizen of the United States, and if natural born said affidavit shall state the date and place of his or her birth, and if naturalized it shall state the date and place of naturalization; and such other matters as may be specified in the regulations that may be prescribed to carry into effect the provisions of this act. *Provided*, That an alien serving in the military or naval forces of the United States on foreign service, shall be subject to the provisions of this act in like manner and under like conditions and penalties as a native born citizen so serving. *Provided further*, That the officer in command of the unit to which the person making the affidavit is attached shall immediately after the making of said affidavit cause the available records of said unit to be examined and, if such examination does not disclose that any of the statements in said affidavit are untrue, shall thereupon certify that he believes the statements therein to be true, and that he is one of the superior officers of the affiant. One original copy of said affidavit and certificate shall be filed with and become a part of the records of the unit to which the affiant is attached and the other original copy thereof together with a transla-

tion of the same in the language spoken in the country where said affidavit is made and certified to be a true translation by the officer before whom the affidavit was made, shall be delivered to the person making the affidavit.

SEC. 5. All officers of the Army or of the Navy of the United States who are now or may hereafter be authorized to administer oaths for any purpose are hereby authorized to administer the oaths required to be made by this act.

SEC. 6. That any person in the military or naval forces of the United States on foreign service, or in an auxiliary organization functioning in connection with the military or naval forces of the United States in a foreign country, who shall contract marriage in such foreign country in violation of the provisions of this act, shall, upon indictment, trial and conviction thereof in the district court of the United States in the district in which he or she may be found, be punished by a fine of not more than \$5,000, or by imprisonment in a penitentiary for not more than 5 years, or both, and any such person who shall knowingly make any false statement in the affidavit herein provided for with reference to any matter herein prescribed to be contained in such affidavit shall be deemed to be guilty of perjury, and upon indictment, trial, and conviction in the district court of the United States in the district in which he or she may be found, shall be punished by a fine of not more than \$10,000, or by imprisonment in a penitentiary for not more than 10 years, or both.

SEC. 7. That a copy of either of the originals of said affidavit hereinbefore provided for, when duly certified by its official custodian, shall constitute *prima facie* proof of the fact that the statements therein contained were made, subscribed, and sworn to by the person whose name is affixed thereto as maker thereof, and that the person purporting to administer the oath was authorized so to do.

SEC. 8. That a copy of the certificate of any marriage contracted in accordance with the provisions of this act when certified by the Minister of Foreign Affairs of the country in which such marriage shall have been entered into, shall, when forwarded to the Secretary of State of the United States be by him transmitted to the Secretary of War for file in the records of the War Department, provided such certificate shall relate to the marriage of a person in the military forces, or a person in an auxiliary organization serving with such forces at the time the marriage was contracted, or shall be forwarded to the Secretary of the Navy for file in the records of the Navy Department, if such certificate shall relate to the marriage of a person in the naval forces, or a person in an auxiliary organization serving with such forces at the time the marriage was contracted, and a

copy of any such certificate so filed, shall when authenticated in the manner prescribed by section 882 of the Revised Statutes be admissible in any court of law or equity as *prima facie* evidence of the marriage therein certified.

File No. 851.4054/35

The French Chargé (De Chambrun) to the Secretary of State

[Translation]

WASHINGTON, June 22, 1919.

[Received June 30.]

MR. SECRETARY OF STATE: My Government, to which I did not fail to forward the bill relative to marriages of American soldiers in France which the Department of State intended to introduce into the Federal Congress, informs me that it meets with its approval.

The French authorities, however, deem it necessary that the affidavit provided by article 4 shall actually set forth all the pertinent particulars of the affiant's civil status and mention all the cases of inability to contract marriage in regard to which the express guarantee under oath is required; and shall in particular give a statement of previous marriages, as the Minister of Justice directed the mayors to demand, in such cases, and copy of the decree of divorce.

The French authorities would further wish that facilities (by the agency of Government attorneys, for instance) be granted if possible to French women in obtaining through the American courts the damages to which they may be entitled when they consented to marry a man who made a false declaration as to his ability to contract a marriage.

Be pleased to accept [etc.]

CHARLES DE CHAMBRUN

File No. 851.4054/38

The Secretary of State to the French Ambassador (Jusserand)

WASHINGTON, August 1, 1919.

EXCELLENCY: I have the honor to refer to your Embassy's note of June 22, 1919, in regard to the proposed bill relative to marriages of American soldiers in France, and I am pleased to note that the bill as drafted meets with the approval of your Government.

The modifications of this draft suggested by the French authorities and set forth in your note under acknowledgment have been submitted to the appropriate branches of this Government, and I

am now in receipt of replies relative thereto. In regard to the suggestion that the affidavit provided by article 4 shall set forth all the pertinent particulars of the affiant's civil status, it is pointed out that this amendment does not appear to be practicable for the reason that the marriage status of such soldiers and sailors as fixed by the various statutes of the States of which they may be citizens, are not uniform, and it would be difficult, if not impossible, to set forth in detail the various particulars as to the affiant's civil status so as to include each individual case. It would appear that the general provision, "and knows of no reason why he or she may not lawfully contract matrimony," as contained in section 4 of the said proposed draft of the bill, will satisfactorily meet the situation intended to be covered in detail by the suggested amendment.

In regard to the suggestion of the French authorities that facilities, as for instance, by the agency of Government attorneys, be granted, if possible, to French women in obtaining through the American courts the damages to which they may be entitled by reason of their consenting to marry a man who made a false declaration as to his ability to contract marriage, it is pointed out that the difficulties in affording such facilities appear to be insurmountable. Such an action instituted by a French woman would, of course, be a private action between private individuals, and her rights and remedies in the American courts would be the same, and fully equal to that of an American woman or a woman of any other nationality under like circumstances. It would appear to be wholly at variance with the practice of such courts and with the relations which exist between Government officials and litigation between individuals, for the rights of the plaintiff to be enforced through governmental agencies, and it would be wholly at variance with the duties vested by law upon Government attorneys. On the other hand it is pointed out that, of course, so far as the proposed statute in question creates an offense and provides for punishment thereof, it would be the duty of the United States attorneys representing the Government in the prosecution of other offenses, to proceed to have the offenders under the proposed statute indicted and tried as provided therein. Such prosecution would be conducted by the United States attorneys at Government expense.

I have the honor to inform you that I shall be pleased to submit the proposed draft of this bill to the chairman of the appropriate committee of Congress, if, as I understand, it meets with your general approval, but before taking this action I shall await a further communication from you.

Accept [etc.]

ROBERT LANSING

File No. 851.4054/40

The French Ambassador (Jusserand) to the Secretary of State

[Translation]

WASHINGTON, *September 26, 1919.*

[Received September 29.]

MR. SECRETARY OF STATE: My Government, to which I did not fail to forward the note Your Excellency sent me on August 1, advises me that considering the circumstances stated by you it desists from all objections to the bill drawn up by the American authorities relative to the marriages of American soldiers in France.

I should be thankful to Your Excellency if you would kindly, in view thereof and in accordance with my Government's wishes, expedite the introduction of that bill into the Federal Congress.

Be pleased to accept [etc.]

JUSSERAND

File No. 851.4054/43

*The Secretary of State to the French Ambassador (Jusserand)*WASHINGTON, *October 21, 1919.*

EXCELLENCY: I have the honor further to refer to your note of September 26, 1919, and my reply note of October 9, 1919,¹ in regard to the proposed bill relative to the marriage of American soldiers and sailors to French women abroad.

In this connection I beg to inform you that I am now in receipt of a letter from the War Department of this Government, in which it is stated that the draft of the bill referred to in your note of September 26, 1919, has been submitted to Congress with a request for early enactment.²

Accept [etc.]

ROBERT LANSING

ALLEGED VIOLATIONS OF THE LAWS OF WAR

File No. 763.72116/533

The Chargé in Switzerland (Wilson) to the Secretary of State

[Telegram]

BERNE, *February 11, 1918.*

[Received 10.15 a. m.]

2615. Following is translation of text of appeal of International Committee of Red Cross, dated Geneva, February 6:

¹ Not printed.² A bill "To regulate the marriage of persons in the military and naval forces of the United States in foreign countries, and for other purposes" (S. 3245, 66th Cong., 2d sess.), passed the Senate Jan. 19, 1920, but was not passed by the House of Representatives.

One of the saddest features of the war that is at present desolating humanity is the daily violation of the most solemn conventions of what were called the laws of war, of those agreements by which it was hoped its cruelty would be lessened. Far from lessening the evils of warfare one can say that the progress of science in aeronautics, in ballistics, or in chemistry have only increased suffering and unsparingly extended it to the entire population in such a manner that war will soon become solely a merciless work of general destruction.

Today we wish to raise protest against a barbarous innovation that science tends to perfect, that is to say to render more fatal and of a more refined cruelty, that is the employment of asphyxiating and poisonous gases, the use of which it appears is increasing at a rate never before imagined.

The Hague agreement concerning the laws and customs of war on land contains the following provision: "It is especially forbidden to employ poison or poisoned arms," and also, "to employ weapons, projectiles, or materials calculated to cause needless suffering." Poisonous or asphyxiating gases are without doubt one of the poisons forbidden by this convention. Members of sanitary corps who have ministered to combatants on the battlefield attacked by these gases, and also nurses who cared for them in hospitals are all unanimous in their testimony of the terrible sufferings caused by the gases, sufferings the sight of which is more heartrending than that of the most cruel wounds.

It is already too much that these methods should have entered into the practice of warfare; but what we wish to declare is that upon him who may have tried to render this method of combat more cruel will rest an ever-increasing responsibility of having forced warfare into a direction contrary to the ideas of humanity, which seemed to become more diffused and of which the Red Cross is the living witness; for here it is not a question of an act that an army can reject because it is repugnant to it. Its very existence is at stake. A combatant before an enemy which employs these gases if [is] forced in spite of itself to imitate it. If it does not wish to be in a position of inferiority which might be fatal to it, it will try to surpass the enemy, it will concentrate all its efforts to secure poisons of a more destructive and extended nature, it will result in a race to obtain the most murderous and cruel methods.

We hear now of new volatile poisons of which the manufacture in quantity is easy as they are composed of materials that can be obtained without difficulty. We are shown projectiles charged with these poisonous gases sowing death, and a cruel death, not only in the ranks of the combatants, but behind the lines in the midst of an inoffensive population in an extended zone where all living beings will be destroyed. We protest with all our soul against this manner of warfare that we can only call criminal, and if, as is probable, the adversary is forced to have recourse to counter-attacks or reprisals to force the enemy to renounce this barbarous practice, we foresee a struggle which will surpass in ferocity all that history has known of barbarity. That is why we, the Red Cross, whose flag is the emblem of the sentiment of humanity which appeared formerly to bring enlightenment even to the battlefield, address ourselves to the sovereigns, to the governments, and to the generals,

then to the peoples who are ranged against each other. We appeal to that same sentiment of humanity that we do not believe to be extinct even after three years of war.

Do you wish that victory be for you only a complete destruction of those you fight? Do you wish that victory become opprobrium because it shall not have been due to the valour or intrepidity of your sons? Do you wish at their return to salute not the brave who do not hesitate to expose their lives for their country, but the men who without risk to themselves have succeeded in ridding themselves of their enemies by the aid of poison and by inflicting horrible suffering?

We cannot but believe that in every country generous hearts have revolted against this outlook, and therefore we do not hesitate to demand openly that this atrocious method of warfare be renounced. For this an immediate agreement is necessary which the various armies should agree to execute loyally. If the International Red Cross should bring about this agreement, if it could be concluded under the shadow of its flag, it would constitute the first return to the Geneva convention and the Hague conventions. This act which would save millions of lives would be entirely to the honour of the nations as well as of the armies.

WILSON

File No. 763.72116/532

The Chargé in Switzerland (Wilson) to the Secretary of State

[Telegram]

BERNE, *February 11, 1918, 10 a. m.*

[Received February 12, 1.56 a. m.]

2617. Referring to my 2615 today's date transmitting protest of International Committee of Red Cross against use of poison gas. I have received a confidential and personal appeal for President Wilson from Naville and Ferrière, President and Vice President of International Committee respectively, that as a matter of high moral strategy President and Allies should without a day's delay unanimously adopt the appeal of Red Cross and agree to act upon it, providing the Central Powers will do the same. They add that there is no probability that the Central Empire will consent, but that the Allies will have won an immense moral victory and will also be in a position to command the support of the world and especially of such humanitarian organizations as the Red Cross.

WILSON

File No. 763.72116/533

The Secretary of State to the Ambassador in France (Sharp)

[Telegram]

WASHINGTON, *February 21, 1918, 5 p. m.*

3212. Department has received an appeal from the International Committee of the Red Cross at Geneva for the discontinuance by all

the countries at war of the use of poisonous, asphyxiating and other gases. The British Embassy here reports a suggestion from the French Foreign Office that identic reply be framed in Paris. You may consult your British colleague unofficially and telegraph Department the tenor of suggested reply.

LANSING

File No. 763.72116/548

The Ambassador in France (Sharp) to the Secretary of State

[Telegram]

PARIS, April 11, 1918, 9 p. m.

[Received April 12, 5.30 a. m.]

3580. My 3261, February 28, 12 noon.¹ Now learn that General Bliss in his telegram No. 65 of March 27² reported to Department of War the text which the inter-Allied representatives at the Supreme War Council recommended to their Governments as an answer to the appeal of the International Red Cross of Geneva. Foreign Office informs me that French Ambassador at Berne has been instructed to arrange with his Allied colleagues to communicate to the President of the Committee of the International Red Cross a note based on the resolution adopted at the Supreme War Council.

SHARP

File No. 763.72116/551

The Minister in Switzerland (Stovall) to the Secretary of State

[Telegram]

BERNE, April 13, 1918, 3 p. m.

[Received April 15, 3.40 a. m.]

3072. Referring to my despatch of February 11, No. 2369.² French Ambassador has furnished me with a copy of the reply which he is instructed by his Government to present to the Swiss Political Department [*International Committee of Red Cross at Geneva*] and has inquired of all Allied Legations whether they will associate themselves in presentation of this note, of which the following is a *résumé*. Please instruct.

Allied Powers at beginning of war believed civilized nations would not make use of cruel means of warfare according to international agreement. Germany introduced asphyxiating and then poison gas. Allied Governments have been obliged to seek means of protection for their armies and methods of warfare furnishing their armies equal offensive instruments. If Allied Governments agree to

¹ Not printed; see Department's telegram No. 3212, Feb. 21, *supra*.

² Not printed.

proposals of Red Cross Committee, what guaranty have they that Germany will not again break her pledge? But should German Government agree to proposal of Red Cross relative to cessation of the use of gas and offer detailed and effective guaranties "the Allied Governments will be inclined to examine that proposition in the most liberal spirit. But in the absence of such guaranties the Allied Governments would be failing in their duty by not availing themselves of every means which they may deem proper to prevent their adversary from doing them harm."

STOVALL

File No. 763.72116/563

The British Embassy to the Department of State

No. 434

MEMORANDUM

The British Embassy present their compliments to the Department of State and have the honour to state that they are in receipt of a telegram from the Foreign Office to the effect that His Majesty's Government have had under their consideration the reply drafted by the Versailles Council to the protest made by the Central Committee of the Red Cross against the use of poisonous gas. His Majesty's Government approve generally of this reply but, as regards the last paragraph, are of opinion that it should be clearly stated that the guarantee asked for from the German Government must be of a new and substantial character.

His Majesty's Government suggest, therefore, that a sentence to this effect should be added to the last paragraph of the draft reply and the British Embassy are instructed to express the hope that, in the event of the United States Government agreeing with this view, they will be so good as to send instructions to their representative at Berne with a view to his concerting with his Allied colleagues in inserting such a sentence and in presenting the final reply to the Red Cross.

WASHINGTON, *April 24, 1918.*

[Received April 25.]

File No. 763.72116/557

The Minister in Switzerland (Stovall) to the Secretary of State

[Telegram]

BERNE, *May 7, 1918, 4 p. m.*

[Received May 9, 1.47 a. m.]

3275. My 3072, April 13, 3 p. m. British Minister informs me that he has received instructions to present note suggested by French

Ambassador concerning poison gases to President of International Red Cross and that he will deliver it on 8th instant and publish in Swiss press.

STOVALL

File No. 763.72116/557

The Secretary of State to the Minister in Switzerland (Stovall)

[Telegram]

WASHINGTON, May 17, 1918.

1926. Your 3275, May 7, 4 p. m. You may present note to President of International Red Cross suggested by French Ambassador as outlined in your 3072, April 13, 3 p. m., regarding use of asphyxiating and poisonous gases in warfare.

LANSING

File No. 763.72116/575

The Secretary of State to the Consul General at Sofia (Murphy)

No. 147

WASHINGTON, July 5, 1918.

SIR: The Department transmits herewith a translation of a statement received from the Greek Minister¹ in regard to the unfortunate conditions reported to exist in Greek Macedonia as a result of the action of the Bulgarians in that country. The Minister has requested this Government to intervene with the Bulgarian Government on humanitarian grounds.

After informal consultation with the diplomatic representative of the power in charge of Greek interests in Bulgaria you may bring the statement textually to the attention of the Bulgarian Government and state that in view of these reports, which appear to emanate from trustworthy sources, you have been instructed by your Government to protest on behalf of the Government of Greece and to request the Bulgarian Government to take such steps as will effectively put an end to these reported conditions in Macedonia and bring these unfortunate people into a state of existence compatible with the most elementary humanitarian principles of civilization.

I am [etc.]

For the Secretary of State:

WILLIAM PHILLIPS

¹ Not printed.

File No. 763.72116/588

The Swiss Chargé (Oederlin) to the Secretary of State

Department of
German Interests

The Chargé d'Affaires *a. i.* of Switzerland, representing German interests in the United States, presents his compliments to the Secretary of State and has the honor to submit to His Excellency the contents of a cablegram received today from the Swiss Foreign Office:

The German Government protests against the use of shotguns by the American Army and calls attention to the fact that according to the law of war (*Kriegsrecht*) every prisoner found to have in his possession such guns or ammunition belonging thereto forfeits his life. This protest is based upon article 23(e) of the Hague convention respecting laws and customs of war on land. Reply by cable is required before October 1, 1918.

The Chargé d'Affaires will be glad to transmit the reply of the Government of the United States to the Swiss Foreign Office for communication to the German Government, and will not fail to transmit to His Excellency, immediately upon receipt thereof, the *note verbale* of the German Government on this matter, which, it is understood, is *en route* to the United States.

WASHINGTON, *September 19, 1918.*

File No. 763.72116/588

The Secretary of State to the Swiss Chargé (Oederlin)

The Secretary of State presents his compliments to the Chargé d'Affaires of Switzerland, representing German interests in the United States, and acknowledges the receipt of his memorandum, dated September 19, communicating the protest of the German Government against the use of shotguns by the American Army.

In reply to the German protest, the Government of the United States has to say that the provision of the Hague convention, cited in the protest, does not in its opinion forbid the use of this kind of weapon. Moreover, in view of the history of the shotgun as a weapon of warfare, and in view of the well-known effects of its present use, and in the light of a comparison of it with other weapons approved in warfare, the shotgun now in use by the American Army cannot be the subject of legitimate or reasonable protest.

The Government of the United States notes the threat of the German Government to execute every prisoner of war found to have in his possession shotguns or shotgun ammunition. Notwithstanding

this threat, inasmuch as the weapon is lawful and may be rightfully used, its use will not be abandoned by the American Army. Moreover, if the German Government should carry out its threat in a single instance it will be the right and duty of the Government of the United States to make such reprisals as will best protect the American forces, and notice is hereby given of the intention of the Government of the United States to make such reprisals.

WASHINGTON, *September 28, 1918.*

File No. 763.72114/4065a

The Secretary of State to the Ambassador in France (Sharp)

[Telegram]

WASHINGTON, *October 4, 1918, 2 p. m.*

5801. For your information. The French Ambassador has advised the Department that from information received by his Government the military commander at Innsbruck has decided that the death penalty will be inflicted upon Allied aviators who should drop manifestoes or even should be found bearing such documents, and that the French Government considers that in order to prevent such action the Austrian authorities should be informed by radiogram that if measures so contrary to international law and to humanity were carried into effect, retaliation would have unavoidably to be practiced on Austrian officers in Allied hands, the number to be double and the punishment the same.

To this note I have today replied to the effect that the President holds the opinion that, however abhorrent and indefensible the announced practice may be, he cannot consent that this Government should unite in a threat to retaliate by executing twice as many captured Austrian officers as aviators put to death under the reported military order.

The Government of the United States would, nevertheless, unite in announcing to the Austrian authorities, by such means as are available, that it denounces the proposed treatment of captured aviators, who are found bearing or to have dropped documents within the lines of the enemy, as utterly indefensible and violative of every principle of humanity and every rule of civilized warfare, and that, if the proposed practice is put into actual operation, the Austrian Government must realize that such barbarous and inhuman treatment of prisoners of war will invite extreme measures to prevent its continuance, deeply as this Government would deplore the consequences which would result.

LANSING

File No. 763.72116/592

The Minister in Switzerland (Stovall) to the Secretary of State

No. 4592

BERNE, *September 24, 1918.*[*Received October 15.*]

SIR: With reference to the Department's telegram No. 1926 of May 17, and previous correspondence relative to the appeal of the International Red Cross at Geneva concerning the use of asphyxiating and poisonous gases, I have the honor to transmit herewith enclosed a translation from the *Neue Zürcher Zeitung* of September 20, 1918, giving a translation of the answer of the German Government to this appeal.

It is interesting to note in this connection that Germany delayed making any answer to this appeal until her armies were everywhere upon the defensive.

I have [etc.]

PLEASANT A. STOVALL

[Enclosure—Translation]

Extract from "Neue Zürcher Zeitung" of September 20, 1918

The German Government has sent the following answer to the appeal against the use of poisonous gases addressed by the International Red Cross to all the belligerent powers:

The German Government has given this appeal the serious attention it gives to all propositions whose aim it is to ameliorate the sufferings caused by the war. This appeal has been all the more attentively read because German military headquarters had always been led by the feeling that the belligerents ought not to use methods of the sort. It is the opinion of German military headquarters that methods of this sort are against the simplest laws of humanity. The German Government, at the second Hague peace conference, warmly supported the international agreement which forbade the use of all poison or poisoned weapons, as well as weapons, bullets or materials which would be likely to cause unnecessary suffering. So long as the conduct of the enemy did not force the German Government to resort to other measures the German military headquarters did its best, during the present war, to prevent unnecessary suffering. In this attempt it did not allow itself to be influenced by the fact that Germany's enemies, as was to be seen from the speeches of the leading statesmen, constantly emphasized their desire to annihilate Germany and to conduct the war along lines reminiscent of the darkest periods of history. The German Government left to the enemy the innovation of bringing on to the battlefields of Europe uncultured peoples who performed notoriously the most shameful deeds, the idea of meting out the most dreadful fate to peaceful citizens, women and children and old people who were so unfortunate as to fall into their hands, and of

making themselves representatives of all those crimes against which the German Government had protested a year ago. In spite of all this the German people has resorted to no measures of revenge nor has it adopted the type of warfare of its enemies, just as the German press has scorned to answer the attacks of the enemy press when they call the Germans "Huns" and "barbarians."

In the matter of poisonous and suffocating gases the German Government has to state that it resorted to this means of warfare only after it had been in use by the enemy for some time. The enemy had put the greatest hopes in the discovery of the French engineer Turpin. But, after all, a feeling of responsibility for its own people made it impossible for the German military headquarters to renounce an effective if dreadful means of warfare for the mere purpose of sparing the enemy sufferings which the enemy itself was at that very time inflicting only too readily. The German Army *communiqués* announced the use of poisonous gases by the enemy on the 1st of March, 1915, whereas the German and French *communiqués* mention the German gas attacks for the first time on the 24th of April. It is, therefore, evident that it is not the place of the German Government to make propositions concerning the limitation of the use of poisonous or suffocating gases. On the other hand it would be quite contrary to the humanitarian spirit which permeates the German people, the Army, and the Government with its Parliament, to refuse this proposition which suggests the lessening of the sufferings of the war. Were the countries at war with Germany to make propositions to the German Government on this subject, the German Government would weigh the propositions and the question in general carefully in an attempt to see how these propositions would coincide with the vital interests of the German people and whether or not the guarantees given by the enemy would assure the latter's keeping its word.

File No. 763.72/12087

The Swiss Chargé (Oederlin) to the Secretary of State

Department of
German Interests

WASHINGTON, November 2, 1918.

SIR: I have the honor to transmit herewith the original German text of a communication from the German Government, forwarded by cable to this Legation by the Swiss Foreign Office, relative to air raids on German territory.

An English translation is also submitted herewith, which must not, however, be considered authoritative.

Accept [etc.]

F. OEDERLIN

[Enclosure—Translation]

The German Foreign Office to the Swiss Legation at Berlin

The German aerial forces have been under orders, since the beginning of October of this year, only to make bomb attacks which are directed solely against important hostile military objects, within the immediate area of operations of war. Those orders were issued on the assumption that the enemy aerial forces were to receive similar instructions.

In assuming this the German people find themselves disappointed. A short time ago the enemy made bomb attacks on the German towns of Wetzlar, Kaiserslautern, Mannheim, Ludwigshafen, Freiburg, Forbach and Wiesbaden, claiming numerous victims among the civilian population. Nor has occupied territory been spared. It is evident that Germany can refrain from aerial attacks on enemy territory behind the area of operations only if, on their side, the enemy, from now on, will reciprocate and also refrain from making aerial attacks outside the area of operations.

In the expectation that the intention, shared by the other side, to further humanity and preserve important objects of culture will meet with the understanding of the opponents, the German Government proposes to the Governments of the other belligerent countries that corresponding instructions be issued without delay to their aerial forces, informing it of the measures taken.

File No. 763.72119/2524

The Belgian Minister (De Cartier) to the Secretary of State

WASHINGTON, November 2, 1918.

MY DEAR MR. SECRETARY: Following on our conversation of last night, I herewith beg to submit to your earnest consideration a short memorandum which I have received from my Government on November 1.

From the contents of this memorandum it seems that the wanton destructions already executed or in preparation were deliberately planned in violation of the promise given by Germany in her note to President Wilson of October 20.¹ The fact that the telegram sent by the Spanish Minister at Brussels on October 26 was only delivered to the Spanish Legation at The Hague on the 30th would seem to confirm this view.

I beg to remain [etc.]

E. DE CARTIER

¹ Supplement 1, vol. I, p. 380.

[Enclosure]

The Belgian Foreign Office to the Belgian Legation

November 1, 1918.

On October 26, the Spanish Minister at Brussels sent a telegram to the Spanish Minister at The Hague, reporting new acts of destruction by the Germans in Belgium. According to these informations the German military authorities, on October 25, issued an order to the directors of coal mines in the Province of Hainaut, to the effect that all men and animals, then in the pits, should be brought up. All raw materials still in possession of the companies are also to be delivered to the Germans. Furthermore, the Spanish Minister at Brussels received information, on the 26th, of an even graver character, according to which all coal mines in Belgium should be destroyed. The blowing up of these by dynamite must have begun at Hornu and Wasmes (Borinage) on the 26th at 10 o'clock.

The Belgian Government has been requested by Mr. Francqui and other Belgian notabilities to take action in the matter in order to avoid a national disaster.

The Spanish Minister at Brussels lodged a protest with the German civil authorities who seem disposed to examine the protest. The German Political Department at Brussels is likely to have communicated on the subject with army headquarters.

File No. 763.72116/632a

The Secretary of State to the Swiss Minister (Sulzer)

No. 287

WASHINGTON, November 7, 1918.

SIR: I have the honor to request that you will bring the following to the attention of the German Government:

In its note of October 20¹ the German Government announced that "the German troops are under the strictest instructions to spare private property and to exercise care for the population to the best of their ability."

Information has now reached the Government of the United States to the effect that the German authorities in Belgium have given notice to the coal mining companies that all men and animals should be brought out of the pits, that all raw materials in possession of the companies should be delivered to the Germans, and that the mines will be destroyed at once.

Acts so wanton and malicious, involving as they do the destruction of a vital necessity to the civil population of Belgium and the consequent suffering and loss of human life which will follow, can not fail to impress the Government and people of the United States as willfully cruel and inhuman. If these acts, in flagrant violation of the

¹ Supplement 1, vol. I, p. 380.

declaration of October 20, are perpetrated, it will confirm the belief that the solemn assurances of the German Government are not given in good faith. In the circumstances, the Government of the United States, to which the declaration of October 20 was made, enters an emphatic protest against the measures contemplated by the German authorities for whose conduct the Government of Germany is wholly responsible.

Accept [etc.]

ROBERT LANSING

File No. 763.72116/606

The Swiss Minister (Sulzer) to the Secretary of State

Department of
German Interests

WASHINGTON, November 11, 1918.

[Received November 12.]

SIR: I have been instructed by my Government to transmit to Your Excellency the following communication from the German Government:

[Translation]

The Imperial Government has fully and faithfully lived up to the assurances given in the note of October 20 to President Wilson. Orders were then immediately issued to the troops to spare private property and to show every possible consideration to the population of the occupied country.

When on October 27 it was asserted in neutral and Belgian quarters that destruction had begun with the surface plants of the mines near Mons, the Government upon inquiry made of the Army Command received from it on October 29 the declaration that nowhere in Belgium had the destruction of mines begun. It appears that certain arrangements had simply been made to make certain machinery unserviceable for a term of about three months, for the contingency of a continuation of military operations, by putting it out of gear. Indeed, with a view to saving the sand mines from temporary damage, the Imperial Government on October 31 proposed to the Spanish and Dutch Governments to place the mines entirely intact in their custody. The enemy Government's position with respect to that proposal is not yet known, nevertheless no destruction whatever of Belgian mines has been started up to date. Solf.¹

Accept [etc.]

HANS SULZER

PASSPORT AND VISA REGULATIONS

Executive Order No. 2619, May 11, 1917

Paragraph 160 of the Consular Regulations is hereby amended to read as follows:

Verification of American passports and visa of Foreign passports.—A diplomatic officer or a consular officer, including a consular

¹ Wilhelm Solf, German Secretary of State of the Foreign Office.

agent, may verify regularly issued American passports by endorsing thereon the word "Good" in the language of the country and affixing to the endorsement his official signature and seal. A diplomatic officer shall verify an American passport only when there is no American consulate established in the city where the mission is situated, or when the consular officer is absent, or the Government of the country refuses to acknowledge the validity of the consular verification. Whenever a passport without signature is presented to be verified the holder should be required to sign it before it is verified by a diplomatic or consular officer. No verification of a passport shall be made after its validity has expired. No fee shall be collected for verifying an American passport or, when instructed to do so by the Department of State, for visaing a foreign passport.

Consular Forms Nos. 10 and 11 are amended to read as follows:

FORM No. 10

FORM FOR VERIFICATION OF AN AMERICAN PASSPORT

(Paragraph 160)

CONSULATE OF THE UNITED STATES OF AMERICA AT -----

-----, 19---

Good.
(L. S.)

-----,
Consul of the United States of America.

FORM No. 11

FORM FOR A VISA OF A FOREIGN PASSPORT

(Paragraph 160)

CONSULATE OF THE UNITED STATES OF AMERICA AT -----

-----, 19---

Seen.
(L. S.)

-----,
Consul of the United States of America.

Sections 8 and 9 of the Tariff of United States Consular Fees are hereby amended to read as follows:

- | | |
|-----------------------------------------------------------------------------------------------------|---------|
| 8. Issuing a passport—Form No. 9----- | Fee. |
| (No fee shall be collected for extending a passport.) | \$1.00 |
| 9. Verifying an American passport (Form No. 10) or visaing
a foreign passport (Form No. 11)----- | No fee. |

WOODROW WILSON

THE WHITE HOUSE,
May 11, 1917.

File No. 138/512a, 517a

*The Secretary of State to the Diplomatic and Principal Consular Officers in Certain Countries*¹

[Circular telegram]

WASHINGTON, *May 29, 1917.*

All persons coming to the United States, *en route* through the United States, or on vessels touching at American ports should submit their passports to American diplomatic or consular officers for verification if American, or visa if foreign. Use word "seen" on foreign passports. Charge no fee for either service. If convinced applicant's journey for an improper or inimical purpose decline visa and report to Department. If suspicious, but without definite grounds, visa passport but telegraph Department. Examine each applicant with greatest care to ascertain whether entitled to passport he bears and whether coming to this country for purpose he alleges. Visa no passports for German subjects or subjects of countries with which American diplomatic relations are broken without Department's approval. Instruct consuls.

LANSING

File No. 138/609

*The Secretary of Commerce (Redfield) to Steamship Lines Engaged in Foreign Passenger Service*²

94343-N

WASHINGTON, *June 5, 1917.*

SIR: You are hereby formally requested, on and after the receipt of this communication, not to accept as a passenger on any ocean-going vessel of your company, departing from the United States and bound for a foreign port, nor to permit the departure thereon as a passenger, of any citizen of the United States unless such citizen has in his or her possession a valid passport issued by the Department of State of the United States, which passport shall be submitted for examination and approval of the United States Collector of Customs at the port of departure before departure; and not to accept as a passenger on any ocean-going vessel of your company departing from the United States and bound for a foreign port,

¹ Greece, Portugal, Rumania, Russia, and all countries outside Europe except Turkey in Asia (to the principal consular officers in countries where there were no diplomatic representatives). Similar instructions had been sent to missions in European countries in reply to specific inquiries, the earliest instruction being a telegram of Apr. 11, 1917, to the Legation in Norway.

² Enclosed in a letter from the Solicitor for the Department of Commerce to the Acting Chief of the Bureau of Citizenship of the Department of State, June 11, 1917.

nor to permit the departure thereon as a passenger, of any alien, unless such alien has in his or her possession a valid passport or official document in the nature of a passport satisfactorily establishing his or her identity and nationality, which passport or document shall be submitted for examination and visa to the Collector of Customs of the United States at the port of departure prior to departure.

A favorable reply to the above request at your earliest convenience will be appreciated.

Respectfully,

[No signature indicated]

File No. 811.111/733e

The Acting Secretary of State to the Diplomatic and Consular Officers

No. 535

General Instructions
Consular

WASHINGTON, July 26, 1917.

To the American diplomatic and consular officers:

GENTLEMEN: There is annexed a copy of the "Joint order requiring passports and certain information from aliens who desire to enter the United States during the war," which has been signed by the Secretary of State and the Secretary of Labor under date of July 26, 1917. A copy of the "Declaration of alien about to depart for the United States" is also enclosed.

Your special attention is directed to the provisions of the above-mentioned order and declaration, which you should study with the greatest care and with which you are instructed to comply strictly. For the proper defense of the United States in the present war it is imperative that complete information be furnished as to each proposed traveler or immigrant to the United States, in order that it may be possible to control travel and prevent the admission of those whose attitude might be inimical and whose presence might constitute a danger. At the same time it is equally important to advise prospective immigrants to the United States of the exclusion provisions of Section 3 of the Immigration Act of February 5, 1917, of which you were informed in General Instruction (Consular) No. 514, and to give them due warning when it appears that they are liable to be excluded thereunder. Diplomatic and consular officers should understand that in matters relating solely to immigration their functions are advisory only and not administrative. They have no power to exclude a prospective immigrant because he ap-

pears to be excludible under the law just mentioned. The decision in each case rests with the immigration authorities in the United States.

For your guidance in the carrying out of this order, and also in connection with the verification of passports for American citizens proceeding to the United States, the following rules are set forth.

INSTALLATION OF SYSTEM

(1) *Translation and publication of requirements.*—A translation or translations of Section 3 of the Immigration Act of February 5, 1917 (see General Instruction, Consular, No. 514), and of the enclosed form of declaration (see par. 19), into the language or languages of the country to which you are assigned will be made immediately by the mission, or, in the absence of a mission, by the principal consular officer in the country. Printed copies of these translations should be forwarded to all American consular officers in such country for distribution upon request among prospective immigrants.

The translations should be published as far as possible in local newspapers, particularly those read by persons of the immigrant classes, and copies in large print should be posted in all consular offices, including consular agencies, *although consular agents should not take declarations or make visas.*

The newspapers and proper officials in the country or district, except in Canada, should be notified that all persons about to journey to the United States must carry passports and have them verified or visaed by American consular officers in the country from which they start upon their journey, at least two weeks before the time of their departure, as well as in the country from which they embark, or from which they enter the United States if they come by land.

The cost of such necessary advertisements and notices may be included in the contingent expenses of the various offices.

(2) *Distribution of declaration forms.*—The form of declaration enclosed should be translated as stated above, and such translation printed in lines parallel with English text upon sheets the size of the enclosed form, and in similar type, by the mission or principal consular office and furnished in sufficient numbers immediately to all consular offices, except consular agencies. These forms, printed both in English and the language of the country, are the forms to be used by the aliens.

(3) *Department to be notified.*—Upon publication of notice as above and distribution of necessary declaration forms, the mission or principal consular office should notify the Department by telegraph of that fact and that compliance is being made with the requirements of this circular regarding declaration and visa.

ALIENS' PASSPORTS

(4) *Who must carry passports.*—Every alien leaving a foreign country for the United States (except persons starting from Canada) with the purpose of entering or passing through or touching at any port of the United States, is required to present a valid passport or other official document in the nature of a passport, establishing his or her identity and nationality, having attached a signed and certified photograph of the bearer.

Such passport may include a wife, female children under 21 years of age, or male children under 16 years, a photograph of each being attached. Boys over 16 years must have separate passports.

(5) *Visa by consuls.*—Each passport of an alien must be visaed by an American consul in the country from which the holder first starts upon his trip with intention to proceed to the United States, and also in the country from which he embarks for the United States, or, if he enters the United States by land, in the country through which he enters. In case the country from which he starts is not the one to which he owes allegiance, his passport must first be visaed by a diplomatic or consular officer therein of his own country.

(6) *Form of visa.*—The form of visa shall be as follows:

Seen	No.
Bearer is to depart for the United States of America between ----- ----- and -----	
Date [Seal]	----- Consul

A rubber stamp may be used for this purpose and the cost thereof included in contingent expense accounts.

(7) *When application for visa should be made.*—Applications for visa of passports should be made at least two weeks before intended departure from the country from which the journey is to begin. It may be necessary at first for exceptions to be made to this requirement, but when sufficient time has elapsed for the regulations to become generally known this requirement should be strictly enforced, except in cases of unusual emergency.

(8) *Numbering of visas.*—Each office should number the visas of foreign passports serially, beginning January 1 of each year.

(10) *Fee.*—No fee is to be collected for the visaing of foreign passports.

(11) *Records*.—Visas of foreign passports should not be entered in the consular fee book. The file of declarations (see par. 18) in the consulate will be considered as sufficient record.

When the passport of an alien is visaed in a country other than that in which the declaration is made, the perforated slip at the foot of the declaration form (see par. 18) should be filled in as indicated and retained in the office which makes the second visa. These slips should be filed alphabetically and will be sufficient record of such supplemental visas.

(12) *Refusal to visa*.—Passports must not be visaed for German subjects or subjects of countries between which and the United States diplomatic relations have been severed, unless special authorization is granted by the Department.

Visas for other aliens should not be refused unless there is evidence supporting a suspicion that the bearer is proceeding to the United States for an enemy purpose. If proof exists, or circumstances strongly indicate, that he has such purpose and therefore should not be admitted to the United States, a visa should be refused and the Department informed, by telegraph if necessary. In such cases the declarant should not be furnished with a copy of his declaration (see par. 18), but that copy should be forwarded to the Department.

If there is doubt as to the bearer of a foreign passport, but no tangible proof that he may be dangerous to the United States, the passport may be visaed and report made to the Department, by telegraph if necessary. It is important to note, however, that where there is actual evidence that an alien is inimical to the United States, or has connections with an enemy agent, the officer taking the declaration must decline to visa the passport.

Foreign passports should not be visaed in the country of embarkation, or from which the bearer enters the United States, when he has not procured a visa from the proper American official in the country from which he started on his journey.

(13) *Reports to colleagues*.—Diplomatic and consular officers in the country from which a person proposing to go to the United States starts upon his journey should report each doubtful or suspicious case to the diplomatic and principal consular officers stationed in the country from which such person intends to sail or enter the United States.

(14) *Aliens to be informed of regulations*.—In order to prevent or avoid, so far as possible, the hardship and dangers involved in deportation under present conditions, the diplomatic and consular officer to whom a passport is presented for visa shall ascertain to the fullest extent practicable whether the holder is a member of any one

of the classes excluded from the United States by provisions of Section 3 of the Immigration Act of February 5, 1917. If in the judgment of such official the alien is a member of such a class, he shall so advise the alien, informing him of the serious risk he is assuming in attempting to enter the United States, but if the alien, nevertheless, insists on proceeding, the officer shall visa the passport, if it is valid, and if there is no evidence that the alien is inimical to the United States, but shall place upon the alien's declaration the notation, "Advised that he will probably be rejected and deported." In such a case the consul making the notation shall write upon the declaration, to be sent to the proper immigration official in the United States, a statement of his reasons for making it.

ALIENS' DECLARATIONS

(15) *Who must make declarations.*—Every alien carrying a passport, except one starting from Canada, and except a duly accredited official, must make a written declaration in accordance with the requirements of the annexed order before the American consular officer who visases his passport in the foreign country from which he starts on his trip to the United States. Such declaration must be executed in triplicate and sworn to before the consular officer, and photographs of the bearer and of persons accompanying him must be affixed to each copy under consular seal. A wife or minor child who does not expect to reside with the husband or father in the United States must have a separate declaration.

(16) *Disposition of declarations.*—One copy of each declaration must be filed in the issuing office, one forwarded *immediately* to the Commissioner of Immigration or the inspector at the port of entry into the United States, and one copy pasted or attached by a clip to declarant's passport, in such a manner that it may be readily detached upon his departure from the United States.

The last-mentioned copy must be presented with the passport to the official at the port of entry, who examines passports, and to the immigration official who inspects the holder, and to such other officials in the United States as may be authorized to inspect such documents.

(17) *Where made.*—The declaration must be made before an American consular officer in the country from which the alien starts on his journey to the United States. (See par. 15.)

(18) *Contents of declaration.*—The declaration shall set forth the bearer's name, occupation, and nationality, and the names and places of birth of the members of his immediate family who accompany him, and also state the facts called for in the joint order annexed and in the enclosed declaration form.

The perforated slip at the foot of the declaration form is to be filled in, detached and filed as the office record of visas of foreign passports made in the country of departure when the latter is not the country in which the declaration was made.

If the country of departure is the same as that from which the alien starts for the United States, the officer who makes the visa and before whom the declaration is made should detach and destroy the slip.

(19) *Form and preparation of declaration.*—In the blank form for the declaration the first six questions should be printed on the first page, and in offices where large numbers of visas are necessary, particularly in consulates at ports of departure, it may be necessary to require the declarants to have the first page filled in outside the consulate, in steamship offices or elsewhere, before applicants apply for visas.

Item 7 as to purpose of visit, and items 8 and 9, the statements to the effect that the immigrant understands the exclusion provisions of the law and is prepared to risk deportation should he prove ineligible for admission to the United States, should be answered in the consular office.

Where a case is doubtful and it is manifestly desirable to obtain more information in regard to the applicant, the officer taking the declaration will be expected to make all necessary inquiries.

(20) *Remarks.*—Provision is made in the declaration form for remarks by the officer taking the same. In immigration cases, if the prospective immigrant has been advised that he will probably be rejected and deported, the reason for such advice should be stated under "Remarks." If the declarant is suspected but visa is not refused, because of lack of evidence, the grounds for such suspicion should be stated fully under "Remarks," *but only in the copies of the form sent to the immigration office and retained for filing in the issuing office.*

In cases of persons who have never been in the United States, it will suffice in question 4 of the declaration for the word "not" to be inserted, so as to make the sentence read: "I have not previously resided in the United States."

(21) *Date of sailing and name of steamer.*—It is probable that in countries other than those from which a person going to the United States embarks the exact date of sailing or the name of the vessel may not be known. In such cases it will suffice to give the approximate date of sailing and the name of the steamship line by which the alien proposes to travel.

(22) *Amendment to declaration.*—If after arrival at the port of departure there is a change in the date of sailing or name of vessel on which the alien proposes to sail, the officer visaing the passport

may amend the declaration which the intended passenger carries by affixing thereon with a rubber stamp the statement:

Amendment to Declaration No. ----- Made at----- Sailing on vessel and date named impossible. Amended for steamship sailing about-----

(23) *Numbering declarations.*—Each declaration should be numbered serially, a new series beginning on the first day of each calendar year.

(25) *Fee.*—No fee is to be collected for or in connection with the execution of this declaration.

(26) *Records.*—Copies of declarations of aliens whose passports are visaed should be indexed upon cards and filed according to number and date. Declarations of those whose passports are refused visa should be marked “visa refused” and kept in a separate alphabetically arranged file. No entry in the record books need be made of any of these declarations.

(27) *Consular agents not to take declarations or issue visas.*—Consular agents, unless especially directed by the Department of State in specific instances, are not authorized to take the declarations of aliens or to visa foreign passports.

(28) *Section 6 Certificates.*—The method now in force in regard to the issuance and authentication of Section 6 Certificates for Chinese coming to the United States is considered as sufficient in such cases and this instruction does not change such method.

AMERICAN PASSPORTS

(29) *Verification by consuls.*—While consular officers visa by the use of the word “seen” passports of aliens coming to the United States, they are required to verify by the use of the word “good” passports of Americans. Such passports should be examined before verification to determine whether they are genuine. If there is reason to suspect the holder of an American passport of disloyalty to this country, consular officers should investigate and report the facts to the Department.

(30) *Place of verification.*—Passports of Americans should be verified by a diplomatic or consular officer in the country where the journey to the United States is begun and also by such officer in the country (though not necessarily at the seaport), from which the American sails or, if he comes by land, in the country from which he enters the United States.

(31) *Numbering*.—Each verification of an American passport should be numbered serially, a new series beginning on the first day of each calendar year.

(33) *Fee*.—No fee is to be collected for verifying American passports.

(34) *Records*.—Verifications of American passports should be recorded as usual and reported as required in paragraph 164, Consular Regulations.

(35) *General*.—Telegrams of inquiry or warning concerning immigration cases should not be sent in cipher, unless the information contained therein is such that it makes this clearly necessary.

Especially qualified officials having a knowledge of the immigration laws and regulations will be detailed to the consular offices at immigrant centers and important ports of departure. These officials will be subject to the supervision and orders of the principal officer at the place to which they are assigned. In particular they are expected to assist in the explanation of Section 3 of the Immigration Act of February 5, 1917, and in investigations of persons *en route* to the United States.

Consular officers in carrying out this order will keep in close touch with the missions which will have general supervision of this work in their respective countries, and constant, close and harmonious cooperation between the missions and the consular offices is expected by the Department.

Missions in some countries may, if necessary, be specially authorized by the Department to take declarations and to visa or verify passports.

The Department relies upon the earnest and efficient assistance of diplomatic and consular officers in enforcing the Joint Order, and expects that they will use due diligence and exercise a wise discretion. Inasmuch as it is desirable for the prompt and effective working of this arrangement that as many cases as possible should be disposed of without reference to the Department, consular officers should in the first instance refer cases as to which they are in doubt to the consul general in the country or to the principal consulate at which an immigration official may be stationed, and in case of necessity to the mission.

Suggestions, as well as necessary inquiries, concerning the proper observance and application of the annexed order and regulations, are, of course, welcomed by the Department.

Despatches relating to this subject should be in triplicate.

I am [etc.]

FRANK L. POLK

[Enclosure 1]

Joint Order of the Department of State and the Department of Labor Requiring Passports and Certain Information from Aliens Who Desire to Enter the United States during the War

WASHINGTON, July 26, 1917.

To diplomatic and consular officers and immigration officers of the United States, steamship and railway lines of the United States and other countries, aliens, and all others concerned:

After due publication of this order in foreign countries every person leaving a foreign country for the United States (except persons starting from Canada) with the purpose of entering, passing through, or touching at a port of the United States shall be required, before he is permitted to enter the United States, to present a valid passport, or other official document in the nature of a passport, satisfactorily establishing his identity and nationality, with a signed and certified photograph of the bearer attached. A wife, or female child under 21 years of age, or male child under 16 years of age, may be included in the passport of the husband or parent, but a photograph of each must be attached to such passport. Each male child 16 years of age or over must carry a separate passport: *Provided*, That, where it is shown to the satisfaction of the Secretary of Labor that passports are denied to seamen to prevent their coming ashore in American ports for purposes of reshipment, the Secretary of Labor may authorize the admission of such seamen without the presentation of passports.

Each passport of an alien must be visaed by an American consulate, or the diplomatic mission if specially authorized, in the country from which the holder *starts upon his trip* to the United States. If the country from which he starts on his trip to the United States is not the country to which he owes allegiance, he must also have his passport visaed by a diplomatic or consular officer therein of his own country. Moreover, every alien coming to the United States must have his passport, or document in the nature of a passport, visaed by a consular officer of the United States in the country from which he embarks for the United States, or, if he comes by land, from which he enters the United States. The form of such visa should read as follows: "Seen. Number ----- The bearer is to depart for the United States of America between (date) and (date)."

For the purpose of ascertaining the identity, nationality, and objects of aliens entering the United States (except those starting from Canada), each alien, except a duly accredited official, must, after due publication of this order, furnish to the American diplomatic or consular officer who visaes his passport, in the foreign country

from which he starts on his trip to the United States, and to the American authorities at the port of entry or elsewhere in the United States, a written declaration setting forth the bearer's name, occupation, and nationality and the names and places of birth of the members of his immediate family who accompany him, and stating the following facts: (1) the date and place of the bearer's birth; (2) the nationality and race of his father and mother; (3) the place of the bearer's last foreign residence and the other places, if any, where he has resided within the past five years; (4) if he has ever been in this country, the dates and objects of his visits and the places and addresses where he resided or sojourned; (5) the date set for his departure for the United States, the port of embarkation, and the name of the ship on which he is to sail, if he goes by water; (6) names and addresses of persons acquainted with the applicant in the country from which he starts and in the United States; (7) the expected duration and object of his proposed visit to this country, the documentary or other proofs of such object submitted, and the place or places in the United States where he expects to sojourn or reside; (8) that the bearer knows and understands the provisions of Section 3 of the Immigration Act of February 5, 1917, excluding certain classes of aliens from the United States, and is certain that he does not fall within any of such classes; (9) that the bearer understands that if, on arrival at a port of the United States, he is found to be a member of a class excluded by said immigration law, he will be deported if practicable, or, if for any reason deportation should be found to be impracticable, will be held in detention indefinitely in an immigration station or other place of confinement, and that he is, with full understanding thereof, assuming all risks involved in a possible return trip in consequence of being rejected under such law. A wife or minor child who does not expect to reside with the husband or father in this country will be required to carry a separate declaration.

Each declaration must be affirmed or sworn to before a consular officer, or a diplomatic officer of the United States, if specially authorized, and signed in triplicate, and a photograph of the declarant must be attached to each copy with an impression of the official seal. The declaration must be made at least two weeks before the date of intended departure, except in cases of extraordinary emergency. One copy of the declaration must be filed in the embassy, legation, or consulate by which the passport is first visaed, one copy forwarded immediately to the Commissioner of Immigration or inspector in charge at the port of entry by which the declarant expects to enter the United States, and one copy fastened to the passport of the declarant, in such a way that it may be removed upon his departure from the United States. The copy last mentioned must

be presented with the passport to the official at the port of entry into this country who examines passports, and to the immigration official who inspects the holder, and to such other officials in the United States as may be authorized to inspect such documents.

No fee shall be collected by diplomatic or consular officers of the United States for or in connection with the execution of such declaration or the visaing of passports.

No American embassy, legation, or consulate shall visa a passport of an alien enemy of the United States to enable him to enter this country unless special authorization of this Government has been previously obtained.

In order to prevent or avoid so far as possible the hardships and dangers involved in deportation under present conditions, a diplomatic or consular officer to whom a passport is presented for visa shall ascertain to the fullest extent practicable whether the holder is a member of any one of the classes excluded from the United States by the provisions of Section 3 of the Immigration Act of February 5, 1917, and if in the judgment of such official the alien is a member of any such excluded class he shall so advise the alien, informing him of the serious risk he is taking in attempting to enter the United States, and, if the alien nevertheless insists on proceeding, shall visa the passport if it is valid, but shall place upon the alien's declaration the notation: "Advised that he will probably be rejected and deported." In such case the consul making the notation shall write upon the copy of the declaration to be sent to the proper immigration official in the United States a statement of his reasons for making it.

Aliens "likely to become a public charge," from whatsoever cause such likelihood may arise, are excluded by Section 3 of the Immigration Act (S. Rep. No. 352, 64th Cong., 1st sess.). Unless, during the present state of war, aliens applying for admission present evidence by which their identity and nationality are positively proved, such aliens, if they enter the United States, are liable to be taken into custody as enemies and thereby become public charges. Therefore, immigration officials will exclude from the United States any alien who may apply for admission and not be in possession of a passport or other official document establishing his identity and nationality, visaed in the manner specified in this order, and will cause such alien to be returned to the country whence he came, at the expense of the transportation company involved: *Provided, however,* That such exclusion shall not be made in the cases of alien seamen arriving in ports of the United States, unless such seamen apply for permanent admission to this country, or unless it is necessary to require such papers in order to ascertain whether alien seamen are enemies of the United States; nor in the cases of aliens entering temporarily

from contiguous foreign territory to follow agricultural pursuits, in accordance with the terms of Department of Labor circular of May 23, 1917, and the supplements thereto. Alien seamen not provided with passports or other official documents showing their identity and nationality may be detained until they receive passports from the consular representatives of the countries whose nationality they claim. Any alien who enters the United States in violation of this order shall be arrested, in substantial conformity with rule 22 of the Immigration Rules, with a view to his deportation to the country whence he came, and his detention under proper restrictions until such deportation can be effected.

FRANK L. POLK

Acting Secretary of State

W. B. WILSON

Secretary of Labor

[Enclosure 2]

Declaration of Alien about to Depart for the United States (Form No. 228; Established July, 1917)

(See General Instruction No. 535)

 (Title of office) (Place) (Date)
 I, -----,
 (Name of declarant) (Occupation)
 a citizen or subject of -----, bearer of passport
 (Name of country)
 No. -----, dated -----, issued by -----,
 (Name of office)

am about to go to the United States, accompanied by

Wife, -----, born at -----
 (Full name)

Sons under 16 years of age as follows:

-----, born at -----,
 (Name) (Date)

-----, born at -----,
 (Name) (Date)

And daughters under 21 years of age as follows:

-----, born at -----,
 (Name) (Date)

-----, born at -----,
 (Name) (Date)

1. I was born at -----, on -----;
 (Place) (Date)

2. My father was a citizen or subject of -----

of the ----- race; my mother was born a citizen or
 subject of ----- of the ----- race;

3. (a) I last resided at _____, _____, on _____
 (Place) (Address) (Dates)

(b) I have resided in or visited the following countries within the past five years:

 (Places, addresses, and dates)

4. I have _____ previously resided in the United States as follows:

 (Dates) (Place and address) (Object of residence)

5. I intend to depart for the United States on the date, from the port, and on the steamship as follows:

 (Date) (Port) (Steamship)

6. I name the following, with addresses, as references:

(a) -----
 (In the country from which declarant starts)

(b) -----
 (In the United States)

7. I expect to go to the United States for -----
 (Object of visit)

 as shown by -----
 (Documents or other proofs of object)

to reside at ----- for a period of -----;
 (City, street, and number)

8. I have informed myself of the provisions of Section 3, Immigration Act of February 5, 1917, and am convinced that I am eligible for admission into the United States thereunder;

9. (a) I realize that, if I am one of a class prohibited by law from admission into the United States, I will be deported or detained in confinement in the United States, and

(b) I am prepared to assume the risk of deportation and of a compulsory return trip in case of my rejection at an American port.

 (Signature of declarant)

Subscribed and sworn to before me this -----

day of -----,
 (Month and year)

 (Official signature)

N. B.—The taking of this declaration and visaing of the bearer's passport give no assurance that the bearer is not excludible from the United States under Section 3 of the Immigration Act of February 5, 1917. The decision in each case must be made by the immigration authorities in the United States.

Remarks by official taking declaration:

(Photograph)

Slip to be filled in, detached, and filed by office making supplemental visa if country of departure for United States is different from that in which declaration is made.

No. of visa -----

(Place)

(Date)

Declaration of -----

Accompanied by -----

(Wife and number of minor children)

Issued by American consular officer at -----

On -----
(Date)

Proclamation No. 1473, August 8, 1918, Regulating the Issuance of Passports and the Granting of Permits to Depart From and Enter the United States

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS by Act of Congress approved the twenty-second day of May, one thousand nine hundred and eighteen, entitled "An Act to Prevent in Time of War Departure From and Entry Into the United States Contrary to the Public Safety," it is provided as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That when the United States is at war, if the President shall find that the public safety requires that restrictions and prohibitions in addition to those provided otherwise than by this Act be imposed upon the departure of persons from and their entry into the United States, and shall make public proclamation thereof, it shall, until otherwise ordered by the President or Congress, be unlawful—

- (a) For any alien to depart from or enter or attempt to depart from or enter the United States except under such reasonable rules, regulations, and orders, and subject to such limitations and exceptions as the President shall prescribe;
- (b) For any person to transport or attempt to transport from or into the United States another person with knowledge or reasonable cause to believe that the departure or entry of such other person is forbidden by this Act;
- (c) For any person knowingly to make any false statement in an application for permission to depart from or enter the United States with intent to induce or secure the granting of such permission either for himself or for another;
- (d) For any person knowingly to furnish or attempt to furnish or assist in furnishing to another a permit or evidence of permission to depart or enter not issued and designed for such other person's use;

- (e) For any person knowingly to use or attempt to use any permit or evidence of permission to depart or enter not issued and designed for his use;
- (f) For any person to forge, counterfeit, mutilate, or alter, or cause or procure to be forged, counterfeited, mutilated, or altered, any permit or evidence of permission to depart from or enter the United States;
- (g) For any person knowingly to use or attempt to use or furnish to another for use any false, forged, counterfeited, mutilated, or altered permit, or evidence of permission, or any permit or evidence of permission which, though originally valid, has become or been made void or invalid.

Sec. 2. That after such proclamation as is provided for by the preceding section has been made and published and while said proclamation is in force, it shall, except as otherwise provided by the President, and subject to such limitations and exceptions as the President may authorize and prescribe, be unlawful for any citizen of the United States to depart from or enter or attempt to depart from or enter the United States unless he bears a valid passport.

Sec. 3. That any person who shall wilfully violate any of the provisions of this Act, or of any order or proclamation of the President promulgated, or of any permit, rule, or regulation issued thereunder, shall, upon conviction, be fined not more than \$10,000, or, if a natural person, imprisoned for not more than twenty years, or both; and the officer, director, or agent of any corporation who knowingly participates in such violation shall be punished by like fine or imprisonment, or both; and any vehicle or any vessel, together with its or her appurtenances, equipment, tackle, apparel, and furniture, concerned in any such violation, shall be forfeited to the United States.

Sec. 4. That the term "United States" as used in this Act includes the Canal Zone and all territory and waters, continental or insular, subject to the jurisdiction of the United States.

The word "person" as used herein shall be deemed to mean any individual, partnership, association, company, or other unincorporated body of individuals, or corporation, or body politic.

AND WHEREAS other provisions relating to departure from and entry into the United States are contained in Section 3, sub-section (b), of the Trading with the Enemy Act, approved October 6, 1917, and in Section four thousand and sixty-seven of the Revised Statutes, as amended by the Act of April 16, 1918, and Sections four thousand and sixty-eight, four thousand and sixty-nine, and four thousand and seventy of the Revised Statutes, and in the regulations prescribed in the President's Proclamations of April 6, 1917,¹ November 16, 1917,² December 11, 1917,³ and April 19, 1918;⁴

AND WHEREAS the Act of May 20, 1918, authorizes me to coordinate and consolidate executive agencies and bureaus in the interest of economy and more efficient concentration of the Government;

¹ *Ante*, p. 165.

² *Ante*, p. 180.

³ *Ante*, p. 185.

⁴ *Ante*, p. 192.

NOW, THEREFORE, I, WOODROW WILSON, President of the United States of America, acting under and by virtue of the aforesaid authority vested in me, do hereby find and publicly proclaim and declare that the public safety requires that restrictions and prohibitions in addition to those provided otherwise than by the Act of May 22, 1918, above mentioned, shall be imposed upon the departure of persons from and their entry into the United States; and I make the following orders thereunder:

1. No citizen of the United States shall receive a passport entitling him to leave or enter the United States, unless it shall affirmatively appear that there are adequate reasons for such departure or entry and that such departure or entry is not prejudicial to the interests of the United States.

2. No alien shall receive permission to depart from or enter the United States unless it shall affirmatively appear that there is reasonable necessity for such departure or entry and that such departure or entry is not prejudicial to the interests of the United States.

3. The provisions of this proclamation and the rules and regulations promulgated in pursuance hereof, shall not be held to suspend or supersede in any respect, except as herein expressly provided, the President's Proclamations of April 6, 1917, November 16, 1917, December 11, 1917, and April 19, 1918, above referred to; nor shall anything contained herein be construed to suspend or supercede any rules or regulations issued under the Chinese Exclusion law or the immigration laws except as herein expressly provided; but the provisions hereof shall, subject to the provisos above mentioned, be regarded as additional to such rules and regulations. Compliance with this Proclamation and the rules and regulations promulgated in pursuance hereof shall not exempt any individual from the duty of complying with any statute, proclamation, order, rule, or regulations not referred to herein.

4. I hereby designate the Secretary of State as the official who shall grant, or in whose name shall be granted, permission to aliens to depart from or enter the United States; I reaffirm sections 25, 26, and 27 of the Executive Order of October 12, 1917,¹ vesting in the Secretary of State the administration of the provisions of Section 3, sub-section (b), of the Trading with the Enemy Act; I transfer to the Secretary of State the executive administration of Regulations 9 and 10 of the President's Proclamation of April 6, 1917, of Regulation 15 of the President's Proclamation of November 16, 1917, and of Regulations 1 and 2 of the President's Proclamation of December 11, 1917, and the executive administration of the aforesaid regulations as extended by the President's Proclamation of April 19, 1918, said

¹ *Foreign Relations*, 1917, Supplement 2, vol. II, p. 963.

executive administration heretofore having been delegated to the Attorney General under dates of April 6, 1917, November 16, 1917, December 11, 1917, and April 19, 1918. The Rules and Regulations made by the Secretary of the Treasury as authorized by Title II, Section 1, of the Espionage Act approved June 15, 1917, and by the Executive Order of December 3, 1917,¹ shall be superseded by this Proclamation and the rules and regulations promulgated in pursuance hereof in so far as they are inconsistent therewith.

I hereby direct all departments of the government to co-operate with the Secretary of State in the execution of his duties under this Proclamation and the rules and regulations promulgated in pursuance hereof. They shall upon his request make available to him for that purpose the services of their respective officials and agents. The Secretary of the Treasury, the Secretary of War, the Attorney General, the Secretary of the Navy, the Secretary of Commerce, and the Secretary of Labor shall, at the request of the Secretary of State, each appoint a representative to render to the Secretary of State, or his representative, such assistance and advice as he may desire respecting the administration of this Proclamation and of the rules and regulations aforesaid.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE in the District of Columbia, this 8th day of August in the year of our Lord one thousand nine hundred and eighteen, [SEAL] and of the Independence of the United States the one hundred and forty-third.

WOODROW WILSON

By the President:

ROBERT LANSING

Secretary of State.

Executive Order No. 2932, August 8, 1918, Prescribing Rules and Regulations Governing the Issuance of Permits to Enter and Leave the United States

Supplemental to the Presidential Proclamation of August 8, 1918, and by virtue of the authority set forth therein, I hereby prescribe the following rules and regulations governing departure from and entry into the United States.

SECTION 1. The present system of controlling entry into and departure from the United States by alien enemies and other persons, as administered by the Department of State, the Department of the

¹ Not printed.

Treasury, the Department of Justice, the Department of Commerce, and the Department of Labor, is hereby confirmed and established by virtue of the authority vested in me as aforesaid and shall continue in full force and effect in the continental United States as defined herein until six o'clock in the forenoon of September 15, 1918, and in the outlying possessions of the United States until such time or times as the Secretary of State shall designate; when the following rules and regulations shall become operative and shall supersede all rules, regulations, and orders of the present system inconsistent with them; but the Secretary of State may direct at any time subsequent to the date hereof that seamen be kept on their vessels. (See Section 10 (c), *infra*.) The Secretary of State is hereby authorized, in his discretion, to prescribe exceptions to these rules and regulations governing the entry into and departure from the United States of citizens and subjects of the nations associated with the United States in the prosecution of the war.

TITLE 1

DEFINITIONS

SEC. 2. The term "United States" as defined in the Act of May 22, 1918, and as used herein includes the Canal Zone and all territory and waters, continental and insular, subject to the jurisdiction of the United States.

SEC. 3. The term "continental United States" as used herein includes the territory of the several states of the United States and Alaska.

SEC. 4. The term "departure from the United States" as used herein includes, in addition to any entry whatever upon foreign territory or waters, any trip or journey on or over (1) the Great Lakes or their connecting waters, (2) any rivers or other waters coinciding with or covering the boundary of the United States, or (3) tidal waters beyond the shore line of the United States, said shore line being hereby defined as the line of sea coast and the shores of all waters of the United States and its territorial possessions connected with the high seas and navigable by ocean going vessels. Provided, however, that no trip or journey upon a public ferry having both termini in the United States and not touching foreign territory or waters shall be deemed a departure from the United States.

SEC. 5. The term "passport" as used herein includes any document in the nature of a passport issued by the United States or by a foreign government, which shows the identity and nationality of

the individual for whose use it was issued and bears his signed and certified photograph.

SEC. 6. The granting of a "permit" or "permission" to leave or enter the United States, as the terms are used herein, shall be construed to include the granting of a license under Section 3 (b) of the "Trading with the Enemy Act" whenever such license is essential to the lawful transportation of the person to whom the permit is granted. Wherever it is provided explicitly or by implication that any person may depart from or enter the United States without a permit or permission under these regulations, such provision of itself shall be construed as a license under said Section 3 (b) authorizing the transportation of such persons within the limits covered by the provision.

SEC. 7. The term "seaman" as used herein includes, in addition to the persons ordinarily described thereby, sea-going fishermen and all owners, masters, officers, and members of crews and other persons employed on vessels which for purposes of business or pleasure cruise on tidal waters beyond the shore line or on the Great Lakes.

SEC. 8. The term "hostile aliens" includes—

- (a) All persons who are alien enemies as now or hereafter defined by statute; or by proclamation of the President; and
- (b) All subjects or citizens of enemy or ally of enemy nations.

TITLE 2

LIMITATIONS UPON AND EXCEPTIONS TO THE APPLICATION OF THE ACT OF MAY 22, 1918

SEC. 9. The following general limitations upon and exceptions to the application of the Act of May 22, 1918, are authorized and prescribed:

(a) No passports or permits to depart from or enter the United States shall be required of persons *other than hostile aliens* travelling between ports of the continental United States on vessels making no intermediate calls at foreign or non-continental ports. *Hostile aliens must obtain permits for all departures from, and entries into, the United States.*

(b) No passports or permits to depart from or enter the United States shall be required of persons *other than hostile aliens* travelling between points in the continental United States and points in Canada or Bermuda, or passing through Canada on a trip between two points in the continental United States, except as provided and required by Title 3 of these regulations. This exception is not applicable to persons going from the continental United States via Canada to other places outside of the continental United States. *Persons other than hostile aliens*

starting from Newfoundland for the United States shall not be required to obtain visas or verifications from the American Consul in Newfoundland. (As to hostile aliens, see 9 (a), *supra*.)

(c) No passports or permits to depart from or enter the United States shall be required of persons in or attached to the military or naval forces of the United States or of any nation associated with the United States in the prosecution of the war, provided that such persons when in or attached to the military or naval forces of a nation so associated with the United States shall be identified and vouched for to the Secretary of State by a duly authorized representative of such nation; and provided further that when persons in or attached to such military or naval forces travel separately or otherwise than in regular commands they shall bear certificates issued by the War or Navy Department of the United States or by a duly authorized representative of an associated nation, adequately establishing the identity of the bearers and their connection with the military or naval forces aforesaid. Nothing herein shall be construed to prevent a citizen of the United States, if a member of or attached to the military or naval forces of any country, from entering or leaving the United States provided he bears a valid passport in lieu of the certificate of identification above described. All such departures shall, however, be subject to the requirements of Title 3 of these regulations. The limitations and exceptions aforesaid are subject to the provisions of Section 38 hereof.

SEC. 10. The following limitations upon and exceptions to the application of Section 1, subsection (a) of the Act of May 22, 1918, are prescribed:

(a) Aliens need not present permits in the usual form for travel across the Mexican border provided that they bear valid permits to cross and recross the border at specified points issued by an immigrant inspector. In applying for these border permits they shall fill out such forms, furnish such photographs, and answer such inquiries as the immigrant inspector shall require. The special permits so issued shall be valid for travel across the Mexican border for such limited period and for passage across the border at such specifically defined points as the issuing inspectors shall note on the permits. Except as otherwise provided by the Secretary of State, such permits shall be issued only to persons residing within ten miles of the border and shall be valid for travel only to points not more than ten miles beyond the border. Aliens entering Mexico with border permits must have such permits visaed by a diplomatic or consular representative of the United States in Mexico before returning to the United States unless the Secretary of State shall otherwise provide. Hostile aliens shall not be given permits to cross the Mexican border without special authorization from the Secretary of State.

(b) Hostile aliens residing in Canada or the United States may secure special permits allowing them to cross the border

between the two countries by making application therefor to the representative of the Bureau of Immigration of the Department of Labor stationed nearest their place of residence. In applying for such permits they shall fill out such forms, furnish such photographs and answer such inquiries as the official receiving the application shall require. The special permits so issued shall be valid for such limited period, for passage across the border at such specifically defined points, and for such number of crossings as the issuing officials shall note on the permits.

(c) Aliens who are seamen on vessels arriving at ports of the United States and who desire to land in the country shall apply to an immigrant inspector. They shall submit to such immigrant inspector satisfactory evidence of their nationality and furnish such photographs and execute such forms and applications as the immigrant inspector shall require. The immigrant inspector may thereupon issue identity cards authorizing such seamen to land in the United States, unless the Secretary of State directs that they be kept on their vessels.

(d) Alien seamen desiring to sail from the United States shall submit satisfactory evidence of nationality to the United States customs inspectors stationed at the port of departure. If such applicants have landed in the United States since the date on which these regulations became effective at their port of arrival they shall further submit the identity cards issued by the immigrant inspector permitting them to land in the country. Said identity cards shall be stamped by the customs officials, if permission is given the applicants to depart, and such cards so stamped shall be the evidence of such permission. In case an applicant for permission to sail under this paragraph has not entered the United States since these regulations became effective, he shall apply to a collector of customs for an identity card and permission to sail. In making such application he shall submit satisfactory evidence of his nationality and furnish such photographs and execute such forms and applications as the collector of customs shall require.

(e) Identity cards issued to alien seamen as provided by the foregoing paragraphs (c) and (d) shall be retained by the seamen to whom they are issued and used by the holders from time to time as they land in and sail from the United States. An alien seaman bearing such card shall have the same validated for landing or sailing by the immigration or customs authorities respectively on each occasion when he applies for permission to land at or sail from a United States port.

(f) Aliens passing through the United States *en route* between two foreign points and not remaining in the United States more than thirty days shall make application for permission to depart through the immigration official acting as control officer at the point where they enter the United States. Such permission, if granted, will be given by the official acting as control officer at the designated point of departure. Nothing herein shall be construed as requiring a permit for departure from a transient

alien in case such permit would not have been necessary if the journey to his final destination had commenced in the United States. A transient will be required to depart from the United States at the earliest date practicable. He shall submit to the immigrant inspector his itinerary to the port of departure, which shall be by the most direct route reasonably available, and upon obtaining approval of the same, he shall proceed immediately to the port of departure. Upon arrival at said port, he shall report forthwith to the customs officers. For all deviations and delays special permission must be obtained from the Secretary of State.

(g) No permits to depart from or enter the United States shall be required of officials or representatives of foreign countries duly accredited to the United States or a friendly country provided that such persons bear valid passports and provided further that the Department of State is notified in advance of their intended entry or departure and consents thereto. Such officials, however, when desiring to enter the United States shall have their passports visaed by a diplomatic or consular officer of the United States in the country from which they come and in the country from which they embark for or enter the United States; and such officials desiring to depart from the United States shall have their passports visaed by the Department of State.

Nothing in the foregoing paragraphs (a) to (g) inclusive shall be construed to prevent the entry or departure of an alien at the Mexican or Canadian border, of an alien seaman at a United States port, or of a transient alien at any point, provided he bears a valid permit for such entry or departure issued in accordance with Title 6 or Title 7 hereof.

SEC. 11. The following limitations upon and exceptions to the application of Section 2 of the Act of May 22, 1918, are authorized and prescribed:

(a) Citizens of the United States travelling between United States ports not within the continental United States, or between such ports and ports within the continental United States, on vessels making no intermediate calls at foreign ports other than those of Canada, or Bermuda, shall not be required to bear passports provided that they have received from the immigrant inspector at the port of departure United States citizens' identity cards. Applicants for such cards shall supply such photographs and execute such forms and applications as the immigrant inspectors require. When applications for such cards are made in dependencies of the United States where no immigrant inspectors are stationed they shall be made to the Governors of such dependencies or their representatives duly appointed for the purpose: provided that employees of the Panama Canal and the Panama Railroad Company and members of their families, civilian employees of the United States and members of their

families, and the families of members of the Army and Navy, travelling between the continental United States and the Panama Canal Zone, may carry identity certificates issued by The Panama Canal in lieu of passports or identity cards issued by immigration officials.

(b) Citizens of the United States travelling across the Mexican border shall not be required, unless otherwise ordered by the Secretary of State, to bear passports provided that they have received citizens' identity cards from immigrant inspectors at the points where they depart from or enter the United States. Such identity cards shall be applied for in accordance with the preceding paragraph (a). Except as otherwise provided by the Secretary of State, such identity cards shall be issued only to persons residing within ten miles of the border and shall be valid for travel to points not more than ten miles beyond the border. Citizens entering Mexico without passports and with identity cards must have such cards verified by a diplomatic or consular representative of the United States in Mexico before returning to the United States, unless the Secretary of State shall otherwise provide.

(c) Citizens of the United States who are seamen upon vessels entering or leaving ports of the United States shall not be required to bear passports provided that they bear seamen's certificates of American citizenship issued by collectors of the ports of the United States as provided for in Section 4588 of the Revised Statutes. Citizens applying for such certificates shall supply such photographs and execute such forms and applications as the collectors shall require. No identity card other than a passport or a seamen's certificate shall be issued to a seaman who is a citizen of the United States.

Nothing in the foregoing paragraphs (a), (b), and (c) shall be construed to prevent the use of a valid passport by any seaman or other citizen referred to in said paragraphs in lieu of a seamen's certificate or identity card as described therein.

TITLE 3

GENERAL REGULATIONS

Persons Liable to Military Service

Sec. 12. No person registered or enrolled or subject to registry or enrollment for military service in the United States shall depart from the United States without the previous consent of the Secretary of War or such person or persons as he may appoint to give such consent. The Secretary of State shall issue no passport or permit entitling such person to depart without securing satisfactory evidence of such consent. Reference should be had to Section 156, Selective Service Regulations, and amendments thereto.

TITLE 4

AMERICAN CITIZENS: DEPARTURE AND ENTRY

Issue of Passports

SEC. 13. The "Rules Governing the Granting and Issuing of Passports in the United States" as established on January 24, 1917, are continued in force without change.

Verification of Passports in Foreign Countries

SEC. 14. Passports are not valid for return to the United States unless verified in the country from which the holder starts on his journey to the United States and further verified in the foreign country from which he embarks for or enters the United States. No fee shall be collected by diplomatic or consular officers of the United States for or in connection with such verification.

ALIENS' PERMITS TO DEPART AND ENTER

TITLE 5

PERMIT AGENTS

SEC. 15. The officials designated in the appendix hereto are hereby appointed Permit Agents for the purpose of receiving from aliens applications for permits to depart from the United States. No Permit Agents have been designated in Tutuila, Manua, Guam, or Wake Island, as it is believed that travel from these points will not necessitate such appointments. For the time being persons desiring to leave any of these insular possessions may do so without securing permission hereunder.

SEC. 16. Representatives of the Bureau of Immigration of the Department of Labor, stationed in Canada or on the Canadian border, and all diplomatic and consular officers of the United States in foreign countries are hereby appointed Permit Agents for the purpose of receiving from aliens applications for permits to enter the United States.

SEC. 17. The Secretary of State is authorized to designate and appoint additional Permit Agents from time to time as he may deem advisable, and to revoke their appointments or the appointments of any Permit Agent aforementioned. All Permit Agents hereby or hereafter appointed are hereby authorized to administer any oath or affirmation required in these rules and regulations or in any amendment hereof or addition hereto. All persons empowered to issue special permits referred to in sections 10 and 11 hereof are

hereby authorized to administer to applicants any oaths or affirmations deemed necessary in connection with their applications.

TITLE 6

PERMITS TO DEPART

SEC. 18. Except in cases for which special regulations are hereinbefore provided, any alien desiring to depart from the United States shall apply for a permit to the Permit Agent located nearest to the last residence of the applicant. Any Permit Agent is authorized to receive an application to depart if it appears that the applicant would be caused unreasonable hardship or delay if required to apply to the Permit Agent nearest his last residence.

SEC. 19. Each applicant shall submit to the Permit Agent, for transmission to Washington if required, a passport issued for his use by the Government to which he owes allegiance or by a duly authorized diplomatic or consular officer thereof, or of the country representing in the United States the interests of his country. Such passports must have been issued, renewed or visaed by a duly authorized representative of said Government, or of the country representing its interests in the United States, within ten days prior to the time of the application. Aliens who by reason of doubtful nationality, lack of nationality, or any other cause, are unable to secure passports may be granted permission to depart in the discretion of the Secretary of State.

SEC. 20. If the application is made to a Permit Agent located east of the Mississippi River, the application shall be made at least fourteen and not more than twenty-eight days before the date set for departure. If the Permit Agent is located west of the Mississippi River, the application shall be made at least eighteen days and not more than twenty-eight days before the date set for departure. In special cases additional time will be required for adequate investigation.

SEC. 21. Applications for permission to depart from the United States shall be made upon forms provided for the purpose by the Permit Agents and shall be executed by applicants according to the instructions printed thereon. Substantial copies of such forms and instructions are contained in the Appendix to these regulations.

SEC. 22. Applications shall be executed in triplicate. All copies shall be personally signed and sworn to by the applicant before the Permit Agent. The Permit Agent shall fill in the name of the applicant on the left hand margin of the application, and also the blanks for applicant's description. The remainder of the application need

not be filled out by or in the presence of the Permit Agent. If the applicant has conscientious scruples against taking an oath, he may make affirmation to the truth of his statements and answers in the application.

SEC. 23. Each application shall be accompanied by four unmounted photographs of the applicant, not smaller than two by two inches nor larger than three by three inches in size, on thin paper with a light background. If the applicant is able to write, he shall sign all four photographs across the front thereof so as not to obscure the features.

SEC. 24. A married woman accompanying her husband, or a child or children under fourteen years of age accompanying either parent, may be included in the permit granted to the husband or parent and in such case will not be required to make a separate application. Photographs of persons so included in a husband's or parent's application must be furnished. Group photographs may be used in such cases.

SEC. 25. Every applicant shall furnish to the Permit Agent, in addition to any particulars required to be inserted in answer to the printed questions on the application blank, any information which may reasonably be required for the purpose of passing upon his application or for ascertaining the correctness of the particulars stated thereon or otherwise.

SEC. 26. Upon complying with these regulations, an applicant shall receive from the Permit Agent a card showing that the application for permission to depart has been filed. This card is not a permit to depart from the United States but is merely a receipt for the application, and for the passport if that has been retained.

SEC. 27. Within seven days prior to the proposed date of departure from the United States, the applicant shall again appear before the Permit Agent who received his application. At this time, or as soon thereafter as his case is decided, he shall receive back his passport and, if permission to depart from the United States is granted, the Permit Agent shall affix applicant's photograph to the receipt card previously issued and shall note thereon the fact that such permission has been given. The card then becomes a provisional permit to depart from the United States and must be preserved carefully for presentation to the proper officials at the point of departure. Such provisional permit is subject to revocation at any time without notice.

SEC. 28. An applicant desiring to leave the place where he makes application for permission to depart before receiving notice of the final action may arrange with the Permit Agent at the time of application that the provisional permit to depart, if granted, shall be

given through a Permit Agent at some other point. The application receipt card, in such case, shall contain a note to the effect that final action is to be taken by another designated Permit Agent. In such case, the applicant shall apply to the Permit Agent thus designated for notice of decision.

SEC. 29. A similar request for a change of Permit Agent may be made subsequently to the filing of the application. A request so made may be received by any Permit Agent but will not be granted without express authorization from the Secretary of State.

SEC. 30. Permits to depart from the United States will be granted to applicants by or under the authority of the Secretary of State when it shall appear that there is reasonable necessity for such departure, and when upon investigation, such departure is deemed to be not prejudicial to the interests of the United States.

TITLE 7

PERMITS TO ENTER

SEC. 31. Subject to the exceptions and limitations hereinbefore set forth no alien shall be allowed to enter the United States unless he bears a passport duly visaed in accordance with the terms of the Joint Order of the Department of State and the Department of Labor issued July 26, 1917. Said Joint Order and the amendments thereto and instructions issued thereunder are hereby confirmed and made part hereof by reference, so far as their provisions are not inconsistent with these rules and regulations or with the President's Proclamation of August 8, 1918. A copy of said Joint Order is inserted in the Appendix to these regulations.¹

SEC. 32. In accordance with the provisions of the Presidential Proclamation of August 8, 1918, a visa will be granted only when it shall appear that there is reasonable necessity for entering the United States and when upon investigation such entry is deemed to be not prejudicial to the interests of the United States.

SEC. 33. As a restriction additional to those provided by said Joint Order, hostile aliens shall not enter the United States from Canada unless they either secure visas in the manner prescribed by the Joint Order, or secure permits in the manner prescribed by Title 2, Section 10, paragraph (b), of these regulations.

SEC. 34. An alien's passport duly visaed together with a copy of the declaration required by said Joint Order shall constitute a permit to enter the United States within the meaning of the Act of May 22, 1918.

¹ Appendix not printed; for joint order see *ante*, p. 802.

SEC. 35. Diplomatic and consular officers of the United States are authorized to collect the following fees:

For visaing each foreign passport (not including passports of officials)	\$1. 00
For preparing visa declaration and administering oath	\$1. 00
For certifying to a copy of a visa declaration previously taken	\$1. 00

TITLE 8

CONTROL AT POINT OF ENTRY AND DEPARTURE

SEC. 36. The actual control of persons departing from the United States at all seaboard and lake ports shall be exercised by the representatives of the customs service of the Department of the Treasury, who shall act as control officers for this purpose. The actual control of persons departing from the United States by land and of all persons entering the United States shall be exercised by the representatives of the Bureau of Immigration of the Department of Labor, who shall act as control officers for this purpose. The Secretary of State may from time to time designate other persons to act as control officers at any place. In all cases where passports or/and permits to enter or depart are required under these regulations each traveller before entering or departing from the United States shall present his passport or/and permit to the Control Officer at the point of entry or departure. He shall also answer such questions and undergo such examination as the Control Officer shall direct. If, as the result of such questioning and examinations, the Control Officer decides that the entry or departure of the holder of the passport or permit would be prejudicial to the interests of the United States, such person shall not be allowed to enter or depart. Under such circumstances the Control Officer shall immediately notify the Secretary of State by telegraph of his decision and shall as soon as practicable, and in no case later than two days after such decision, forward to the Secretary of State a full report giving the reasons for detention and a full transcript of any testimony or information bearing on such decision.

SEC. 37. If the Control Officer shall be satisfied that the permit and passport are valid and regular and have been properly visaed and that the holder presenting them is the person described therein, that neither of them has been altered or tampered with, and that the holder's departure or entry is not prejudicial to the interests of the United States, he shall allow the holder to depart from or enter the United States.

SEC. 38. In addition to the control as above set forth of persons generally required to secure permission to depart from or enter the

United States, control may be exercised over individuals belonging to classes of persons generally allowed to depart or enter without permits or passports. A Control Officer may temporarily prevent the departure or entry of any such individual, in case he considers such departure or entry prejudicial to the interests of the United States. Such action shall be immediately reported to the Secretary of State with a full statement of the reasons therefor. An individual so prevented from departing or entering shall not be entitled to the benefit of any of the limitations or exceptions contained in Section 9 hereof and his departure or entry is forbidden unless, if an alien, he obtains permission from the Secretary of State, or, if a United States citizen, he obtains a valid passport.

TITLE 9

ADDITIONAL REGULATIONS

SEC. 39. The Secretary of State is authorized to make regulations on the subject of departure from and entry into the United States additional to these rules and regulations and not inconsistent with them.

WOODROW WILSON

THE WHITE HOUSE,
8 August, 1918.

EXPATRIATION AND REPATRIATION

File No. 136/85

The Secretary of State to the Ambassador in Great Britain (Page)

[Telegram]

WASHINGTON, October 27, 1917.

5676. Your 7451, 17th.¹ Act of October 5, 1917, provides for repatriation of Americans who, since August 1, 1914, took oath of allegiance to a foreign state engaged in war with a country with which United States is at war, and who have actually enlisted, and have been or may be honorably discharged from such foreign armed forces. Such persons, if abroad, present evidence to consular officer that they come within terms of act, and take oath of allegiance to United States and abjuring allegiance to the foreign state under which they served. Certificates of repatriation to be made in triplicate under regulations now being prepared. Inform Consul General and repeat to Paris, Rome, Petrograd.

LANSING

¹ Not printed.

File No. 136/96a

The Secretary of State to the Diplomatic and Consular Officers

No. 568

General Instruction
ConsularWASHINGTON, *December 28, 1917.*

GENTLEMEN: The Department has received from diplomatic and consular officers several despatches referring to the proviso contained in section 2 of the act of March 2, 1907 (34 Stat. L. 1228), "That no American citizen shall be allowed to expatriate himself when this country is at war," and enquiring as to the proper application of this proviso in cases of native or naturalized Americans who take oaths of allegiance to foreign sovereigns or acquire naturalization in foreign countries, when this country is at war, and to naturalized citizens who, at such time, have completed a period of residence of two years in their native lands or of five years in other foreign lands.

While the matter is one for the ultimate decision of the courts, it is the present opinion of the Department that the proviso in question should be considered as applicable to all provisions of section 2 of the act relating to loss of American citizenship; that the operation of these provisions is suspended by this proviso during times of war, and that therefore American citizens do not expatriate themselves by any of the acts enumerated in this section as resulting in loss of American citizenship, but are held to their allegiance throughout the duration of the war.

If the presumption of expatriation had arisen against an American citizen before the United States entered the war it is, of course, incumbent upon such person to overcome it, under the established rules, before he can be registered or furnished with a passport.

I am [etc.]

For the Secretary of State:

FRANK L. POLK

File No. 136/108

The Secretary of State to the British Ambassador on Special Mission (Reading)

No. 246

WASHINGTON, *September 5, 1918.*

EXCELLENCY: Referring to your note of May 15, 1918,¹ in which you inquire regarding the views of this Government relative to the status of William Egerton Mellen, who, it appears, has applied for

¹ Not printed.

naturalization under Canadian law, I have the honor to inform you that an investigation has been made into this matter, and the Department is now in a position to furnish the information which it seems is desired by the Canadian authorities for their guidance.

You call attention to a request said to have been made of the Canadian Department of State by the American Consul General at Vancouver, British Columbia, that, in view of provisions contained in an act of Congress, approved March 2, 1907, that "no American citizen should [*shall*] be allowed to expatriate himself when this country is at war," certificates of naturalization be not granted to citizens of the United States. You further call attention to an application for registration which, it appears was made by Mr. Mellen to the American Consul General at Montreal, and was denied. And you ask to be informed respecting "the view taken by the United States Government in connection with applications for naturalization in Canada under such circumstances as those indicated above."

It seems unnecessary for the purpose of answering your inquiry to discuss this Department's regulations with regard to registration of American citizens abroad. The particular point regarding which information is desired can doubtless be made clear by indicating the Department's views respecting the construction of the act of Congress just mentioned. If Mr. Mellen can be naturalized under Canadian law irrespective of his status under the law of this country, the Department desires to make it clear that this Government has no intention of interfering with any action on the part of the competent authorities of the Canadian Government in the case of Mr. Mellen or in any similar case. However, in case Mr. Mellen should obtain naturalization as a Canadian citizen, the Department would still be obliged to regard him as an American citizen under the laws of this country in view of the statutory restrictions on the expatriation of American citizens in times of war.

I have [etc.]

ROBERT LANSING

File No. 136/109

The Acting Secretary of State to the Diplomatic and Consular Officers

No. 628
General Instruction
Consular

WASHINGTON, *September 26, 1918.*

GENTLEMEN: The twelfth section of the Naturalization Act of June 29, 1906, has been amended by the act of May 9, 1918, so that it reads as follows:

That any person who, while a citizen of the United States and during the existing war in Europe, entered the military or naval

service of any country at war with a country with which the United States is now at war, who shall be deemed to have lost his citizenship by reason of any oath or obligation taken by him for the purpose of entering such service, may resume his citizenship by taking the oath of allegiance to the United States prescribed by the naturalization law and regulations, and such oath may be taken before any court of the United States or of any State authorized by law to naturalize aliens or before any consul of the United States, and certified copies thereof shall be sent by such court or consul to the Department of State and the Bureau of Naturalization, and the Act (Public fifty-five, Sixty-fifth Congress, approved October fifth, nineteen hundred and seventeen), is hereby repealed.

To comply with this act, the Bureau of Naturalization, Department of Labor, has adopted the following regulation:

REGULATION GOVERNING THE ADMINISTRATION OF SUBDIVISION 12 OF SECTION 4, ACT OF JUNE 29, 1906, AS AMENDED BY ACT OF MAY 9, 1918, PUBLIC NO. 144, 65TH CONGRESS.¹

Section 2 of the act of March 2, 1907, provides that an American citizen shall be deemed to have expatriated himself when he has taken an oath of allegiance to any foreign state. The last proviso of that section is as follows:

And provided also, That no American citizen shall be allowed to expatriate himself when this country is at war.

In view of the foregoing, the oath of allegiance will not be required of American citizens who have subscribed to an oath of allegiance after April 5, 1917, for the purpose of entering the military or naval service of any country associated with the United States in the present war, since by this last proviso they are not allowed to expatriate themselves except during time of peace.

An American citizen who took an oath or obligation prior to April 6, 1917, to enable him to serve in the military or naval forces of a country which is at war with a country with which the United States is at war and thereby expatriated himself, may have his American citizenship restored by complying with the terms of subdivision 12 of section 4 of the act of June 29, 1906, as amended by the act of May 9, 1918, Public No. 144, 65th Congress.

The following oath of allegiance has been adopted for all who come within the provisions of subdivision 12:

I hereby declare on oath, that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty; that I will support and defend the Constitution and laws of the United States of America against all enemies, foreign and domestic, and that I will bear true faith and allegiance to the same.

¹The text which follows is not a verbatim quotation of the Bureau of Naturalization regulation.

Any one who is deemed to have expatriated himself and to whom the provisions of subdivision 12 are applicable, should appear before the appropriate clerk or court, or if abroad, American consular representative, and take this oath of allegiance. If the applicant be a naturalized citizen, he should give the date, place and court in which his naturalization took place. The forms should be executed in duplicate and forwarded to the Department of State. It is desirable that an American passport should be issued to the person upon taking the oath of allegiance to enable him to re-enter the United States and thus avoid any difficulties at the port of entry into this country.¹

Consular officers will observe this regulation and forward certified copies of the oaths of allegiance in duplicate, as required, to this Department. It will be noted that the law requires that the applicant for repatriation subscribe to only one oath and that the copies of the oath required for the files of this Department and the Department of Labor be certified to by the consular officers. Applicants will, however, probably not object to filling out the three copies. This course is preferable. However, it is very necessary that the consular officers take pains to see that the certified copies are distinctly written.

If the persons concerned apply for passports or registration, the usual proofs of birth or naturalization in the United States should be required.

A supply of the blank oaths will be sent for your use.

I am [etc.]

FRANK L. POLK

File No. 136/194

The British Ambassador on Special Mission (Reading) to the Acting Secretary of State

No. 302

WASHINGTON, April 23, 1919.

SIR: I have received instructions from my Government to bring to your attention two communications, copies of which are enclosed,²

¹ On the printed instruction sent to diplomatic and consular officers this paragraph appears as follows:

Anyone who is deemed to have expatriated himself and to whom the provisions of subdivision 12 are applicable should, if abroad, take the oath of allegiance before an American consular representative. If the applicant be a naturalized citizen, he should give the date, place, and court in which his naturalization took place. It is desirable that a person taking the oath of allegiance should, if about to return to the United States, apply for and obtain a passport in order to avoid unnecessary difficulties at the port of entry into this country. Such passports are, under the provisions of section 2 of the act of May 22, 1918, and the President's proclamation of August 8, 1918, issued in pursuance of the act, required during the continuance of the present war.

² Not printed.

from the United States Consul General at Cape Town to the Governor General of the Union of South Africa, in which it is stated that the United States Government do not recognize the naturalization of American citizens as British subjects during the war as having any effect on the status of such persons in United States law.

In this connection I have the honour to refer to article 1 of the convention between the United States and Great Britain of May 13, 1870, under which it is laid down that citizens of the United States of America who have become, or shall become, and are naturalized according to law within the British Dominions as British subjects, shall be held by the United States to be in all respects and for all purposes, British subjects, and shall be treated as such by the United States.

His Majesty's Government are of the opinion that there is thus a conventional obligation resting upon the United States Government for the recognition of British nationality legally acquired by United States citizens in the British Dominions, and it would further appear that such an obligation can not properly be overridden by any provision of municipal law. I have therefore been instructed to bring this matter to your notice and to suggest that the position set forth in the enclosed communications from the American Consulate General at Cape Town are not consistent with the treaty obligation in this matter assumed by the United States Government under the convention of 1870.

I have [etc.]

(For the Ambassador)

COLVILLE BARCLAY

File No. 136/194

The Acting Secretary of State to the British Chargé (Lindsay)

WASHINGTON, *July 19, 1919.*

SIR: I have the honor to acknowledge your note of April 23, 1919, enclosing certain copies of communications addressed to His Excellency the Governor General of the Union of South Africa by the American Consul General at Cape Town, South Africa, relating to the recognition by this Government of the attempted expatriation by naturalization of certain citizens of this Government, Joel Cannon Bull and Robert James Mahaffery, in contravention of the last clause of section 2 of the act of March 2, 1907.

That clause explicitly forbids expatriation in time of war, and seems to have been enacted by Congress as declaratory of a generally accepted principle of public law of vital importance to this

country in time of war. The Supreme Court of the United States very early enunciated this principle as follows: "The duty of a citizen when war breaks out, if it be a foreign war and he is abroad, is to return without delay."

Halleck in his *International Law* confirms this as follows: "The right of voluntary expatriation exists only in time of peace and for lawful purposes."

The Executive branch of this Government has said: "No subject of a belligerent can transfer his allegiance or acquire another citizenship, as the desertion of one's country in time of war is an act of criminality."

It would seem that at least one of the British Dominions has informally recognized the principle in question as it exists in the municipal law of this Government through a recent communication from the Under Secretary of State for Canada to the Consul General of the United States at Ottawa in the following language:

I have the honor to refer to correspondence with you which originated with your letter of the 22d of November, 1917, upon the subject of the naturalization of persons of United States citizenship, and to inform you that a very large number of applications of this class have been received by this Department, and that, in accordance with the intimation of the United States Government that the expatriation of the United States citizens during war time is illegal, certificates have not been granted to such applicants.

The principle involved herein is so fundamental and so well established that there is little room for the contention that it was rendered inoperative by the general language of article 1 of the naturalization convention of 1870. In view of the explicit holdings of the various branches of this Government, some of them antedating the convention, and some being contemporaneous, I am not prepared to concede that this principle of public law was thus inferentially abrogated. Had it been the intention of the contracting parties to produce so strange a result, that intention would be expressed explicitly and unequivocally in the language of the convention, and would scarcely be inferred from a general wording designed to meet a situation entirely distinct from that in question. I therefore feel constrained to adhere to the position set forth by the American Consul General at Cape Town in his communication of December 28, 1918, as consistent with the municipal law of this Government, article 1 of the naturalization convention of 1870, and generally accepted principle of international law.

Accept [etc.]

WILLIAM PHILLIPS

STATUS IN AMERICAN PORTS OF SHIPS OWNED OR REQUISITIONED BY FOREIGN GOVERNMENTS AND ENGAGED IN COMMERCE

File No. 635.119/331

The Ambassador in Argentina (F. J. Stimson) to the Secretary of State

[Telegram]

BUENOS AIRES, April 9, 1918, 4 p. m.

[Received April 10, 9.25 a. m.]

I am informed by Naón¹ that a note has been prepared by the Minister of Marine, who is a warm friend of the United States, which is addressed to the Minister for Foreign Affairs, and makes serious complaint of the treatment of the Argentine transport *Chaco*, which is a national vessel, at the ports of Boston and Philadelphia, at which [it] primarily called on its last voyage to the United States. The captain of the *Chaco* has further complained to the Minister of Marine that he was compelled by the port authorities to sign a document giving various assurances as to the navigation of his ship, which may not under international law be required of a national vessel.

A translation of the above-mentioned note of the Minister of Marine, dated April 6, is as follows:

Mr. Minister: Lieut. Dalmiro Saenz, commander of the national transport *Chaco*, who has just arrived from the United States, found himself obliged, in order to undertake his return voyage, to sign a document required by [*binding*] our Government, to observe the new regulations which because of the war have recently been sanctioned in that country.

These regulations, perfectly logical when applied to merchant vessels, cannot be accepted to [*in*] the particular cases of our transports, which, while carrying on operations of a commercial nature, retain their character as transports of war by reason of the flag under which they sail, their crew, and finally by the character of their owner and outfitter, which is our Government.

The note of the official referred to, a copy of which I transmit to Your Excellency, contains all the necessary information to enable our Government to initiate diplomatic proceedings with the United States of America, in order to avoid the inconveniences indicated in the above-mentioned communication.

I rely on the success of these proceedings, as under the present circumstances we cannot expect an unfriendly action [*attitude*] on the part of the American Government, were it only in view of the marked deference with which ours has considered the interests of that country and those of her allies in this war. I avail, etc.

¹ Rómulo S. Naón, Argentine Ambassador at Washington; on leave of absence in Argentina.

The letter of complaint made to the Minister of Marine by Lieut. Dalmiro Saenz, commander of the *Chaco*, dated Santiago, April 4, states that the difficulties of employing national transport ships of the Navy for commercial purposes has always been open to serious objections, and will become impossible if they are to be treated in the manner complained of, as they carry the war flag of Argentina and are manned by officers and men of the Navy. He states that the United States Government has among others dictated regulations which, in the first place, refuse coal or provisions to any neutral vessel whose master or captain has not accepted a document wherein he promises to fulfill all the orders expressed therein. Second, no ship shall begin any voyage without the previous consent of the War Trade Board, nor be sold or bought without their previous approbation. Fifth, they shall monthly send a statement of their intended movements. Sixth, the master, etc., shall remove from the ship any officer or member of the crew if so required by the War Trade Board. Eighth, no such ships shall be delivered any person other than approved by the War Trade Board. Thirteenth, any ship which shall leave the United States shall be subject to search by the War Trade Board. Seventeenth, it shall give the United States Consul at ports where it discharges cargo, an abstract of said cargo.

Captain Saenz then goes on to state that he sent to the Government a note asking to be exempted from the second, third, fourth, and sixth articles, but that he had to sign a document compelling him to conform with others, notably the tenth, thirteenth, fifteenth, sixteenth, seventeenth, eighteenth, and nineteenth. He then complains of the treatment accorded the vessel at Porto Rico, Boston, and Philadelphia, the searches that were made, and many matters in detail. The Department is doubtless familiar with the document which he was compelled to sign, but a full translation of his letter can be cabled if required. His petition is that the Argentine transports like the *Chaco*, because of their status as national vessels, be released from compliance with the clauses of the regulations to which he objects, and that the proceedings of the port authorities of the United States be modified by the Government. The matter will I believe, result in an international grievance if the note is delivered, particularly because of the exceptionally friendly treatment which the Argentine Government has accorded war vessels of the United States Navy since the declaration of war by the United States, notably the United States transport *Glacier*, a few weeks ago. Naón suggests that, with the knowledge of the Minister of Marine, in order to avoid any official record of the incident it may be possible that the Department will recognize the justice of the complaint of the captain of the *Chaco* and agree that the objectionable docu-

ment signed by him shall be considered canceled, the request for such signature having been made under a misapprehension. If such action can be thus taken by the Department informally, the note of the Minister of Marine will not be delivered and the incident will be considered closed without any record of offense being felt by the Argentine Government.

I regard this matter of instant and pressing necessity, since unless the Department feels itself in a position to take the above-mentioned action a formal recognition by the Argentine Government will follow. . . .

I understand that the whole matter will be suspended until a reasonable time is given for the reception of a reply from the Department.

STIMSON

File No. 635.119/406

The Ambassador in Argentina (F. J. Stimson) to the Secretary of State

[Telegram]

BUENOS AIRES, April 30, 1918, 11 a. m.

[Received 3.56 p. m.]

My April 9, 4 p. m. Naón tells me that the Argentine Government is anxiously awaiting a reply to their formal [*informal?*] complaint concerning treatment of Argentine transports in the United States. In view of the fact that this complaint was made known to me for transmission to the Department with the idea of receiving a statement from the Government of the United States and thereby preventing the sending of a formal protest by the Minister of Marine, I beg to call the attention of the Department to the urgency of this matter, which Naón says is being taken very seriously by his Government.

STIMSON

File No. 635.119/406

The Secretary of State to the Ambassador in Argentina (F. J. Stimson)

[Telegram]

WASHINGTON, May 3, 1918, 4 p. m.

Your April 9, 4 p. m., and April 30, 11 a. m. *Chaco* case. At the request of the Department the War Trade Board has furnished the following summary in this case:

Capt. Julian Irizar, President of the Argentine Naval Commission, called upon Board on or about February 1, at the time our new

rules and regulations were published, and asked if we would agree to certain modifications of the General Rules in applying them to the Argentine naval transports *Chaco*, *Pampa*, and *Guardia Nacional*, which were actually owned by his Government but used as transports now in the movement of cargo between America and Argentina.

He voluntarily stated that provided they were exempted from agreeing to guarantee conditions mentioned in paragraphs (*k*), (*l*), (*o*), (*p*) and (*s*), which he thought should not apply to vessels belonging to a friendly government, he was quite willing to sign Bunker Form B-4.

We stated that the alterations desired by him would be quite satisfactory, and he thereupon said he would execute the agreement and send it in with the necessary modifications stated thereon. We attach hereto an exact copy of the agreement as received from him.

This is all that has ever been received from him, and when these transports have applied they have been granted licenses upon receipt of the regular form of application which was adopted on February 1 for use on vessels of all nationalities, including neutral, Allied and American. The files show that the *Chaco* was granted a license early in February.

The message received from the Argentine does not fit in with any facts known to us.

The copy of the agreement referred to above, signed by Irizar, is as follows:

At the request of the War Trade Board, and in view of the fact that the existing war conditions have rendered necessary some control, by the United States Government, of vessels using United States ports, and in view of the further fact that such vessels will require licenses during the period of the war for bunker fuel and port, sea, and ship's stores and supplies, it is hereby promised and agreed that each and every vessel owned, chartered, or controlled by the undersigned will comply with and be bound by each and every one of the rules and regulations of the Bureau of Transportation of the War Trade Board issued in connection with the granting of licenses for bunker fuel, port, sea, and ship's stores and supplies. Signed, J. Irizar, Owner, Time Charterer, Agent. President of the Argentine Naval Commission.

The signer, Capt. Julian Irizar, President of the Argentine Naval Commission, which represents in this country, the Navy Department of Argentine, begs to state that the ships referred to in this "Agreement" ply only between the ports of Argentine and the United States and they are transports forming part of the Argentine Navy. As such they are commanded by naval officers. Consequently, the writer considers that this Commission ought to be exempted from giving some of the guarantees mentioned in this "Agreement" such as those of paragraphs (*k*), (*l*), (*o*), (*p*), and (*s*) of General Rules No. 1, which we could not give, for, as stated before, these ships are not privately owned, but belong to a friendly government. The ships

herein referred to are: Argentine naval transports *Chaco*, *Pampa*, and *Guardia Nacional*.

Their commanders are, respectively, Lieut. Commander Dalmiro Saenz, Commander Jorge Campos Urquiza, and Lieut. Commander José Guisasaola.

According to our Navy Department regulations, however, the commanders and officers of these transports are relieved periodically, and sometimes then [*they*] only make one trip. Signed, J. Irizar.

Paragraphs (*k*), (*l*), (*o*), (*p*), and (*s*) of General Rules No. 1 above referred to are as follows:

(*k*) The owner or charterer shall, upon request to do so by the War Trade Board, dispense with the services of the master, officers, or any members of the crew.

(*l*) No vessel shall proceed on any voyage or be chartered on trip or time charter without the previous consent of the War Trade Board or the Inter-Allied Chartering Executive.

(*o*) No vessel shall be bought or sold without the previous approval of the United States Shipping Board, War Trade Board, or of the Inter-Allied Chartering Executive.

(*p*) No vessel shall be laid up in port without the approval of the War Trade Board or the Inter-Allied Chartering Executive.

(*s*) A report in duplicate shall be furnished to the War Trade Board each month, showing in detail the movement of all vessels subject to these regulations.

This Government understood at the time the vessel was here, and you so state in your telegram, that she is carrying on operations of a commercial nature, and although a Government vessel under the naval flag of Argentina she is carrying cargoes for freight in the ordinary course of merchant marine service. If this is so, the Government of the United States feels that it is justified in applying the same restrictions to vessels of that class, even though owned or operated by a foreign government under a naval flag, as to ordinary merchant vessels engaged in commerce. Any other view would allow merchant vessels to avoid the regulations of the United States in respect to exports and bunkers which have, as the Argentine Government knows, been given the most careful consideration by the United States and only adopted under the pressure of the necessity for conserving American products for itself and its cobelligerents, and of preventing the use of such commodities by the enemies of the United States. These restrictions have been applied generally even to vessels of the belligerents associated with the United States in the war, as well as to vessels of neutral countries. Other countries have requested the exemption of merchant vessels operated by the government from the imposition of municipal restrictions on account of the alleged immunity of national vessels from such treatment in

foreign ports. This Government, however, has consistently replied to the effect that such vessels are not entitled to a treatment assimilated to that accorded to vessels of war, nor to exemption from local laws and regulations governing merchant vessels in foreign ports; for, stated generally, they should in equity be regarded as subjecting themselves to the inconveniences arising from engaging in commerce, if they are also to reap the benefits and enjoy the rights of trade.¹

I feel sure that when the Argentine Government reconsiders this matter from the point of view which I have endeavored to set forth, it will agree with me as to the equity and justice of the attitude which this Government is inclined to take with respect to the *Chaco*, in so far as the facts regarding her have been presented to and are understood by the Department, and that no principle of international law or practice was violated by the treatment which she received at Boston, Philadelphia, or other American ports.

As to the U.S.S. *Glacier*, I am advised by the Navy Department that she is a regularly commissioned armed vessel of the Navy, employed solely as a supply ship for the United States naval forces in the South Atlantic, under the direct command of Admiral Caperton, and included in his forces, and that she carries no cargo for freight, sale, or traffic, and has never done so. Her status, therefore, is purely a military one, and quite distinct from that of vessels under government control or ownership which are operated in the interest of commerce.

You should informally bring the above to the attention of the Argentine Government, pointing out that this Government accorded to the *Chaco* and to the President of the Argentine Naval Commission exceptional privileges which have been refused even to representatives of those countries associated with us in the war and that apparently the President of the Argentine Naval Commission appreciated the efforts of this Government in the premises.

LANSING

File No. 635.119/470

The Ambassador in Argentina (F. J. Stimson) to the Secretary of State

[Telegram]

BUENOS AIRES, *May 18, 1918, 10 a. m.*

[*Received 11.50 a. m.*]

Your May 3, 4 p. m. I delivered the substance of these instructions to Naón and last night the Minister of Marine informally

¹ The substance of this paragraph was included in a telegram to the Ambassador in Chile, Oct. 19, 1918, in reply to representations made by the Chilean Government with reference to its vessels. (File No. 825.3311/-.)

told me that the Argentine Government would consider the explanation entirely satisfactory and the incident closed.

STIMSON

File No. 800.88/179

The Secretary of State to the Italian Ambassador (Macchi di Cellere)

WASHINGTON, November 4, 1918.

MY DEAR MR. AMBASSADOR: I have received your note of August 29,¹ enclosing a copy of your communication of June 26, 1918,¹ in which you state that in order to protect the general interest by utilizing the Allied shipping to its fullest extent, your Government has agreed with the British Government that the immobilization of ships on account of legal proceedings should be prevented at all costs; that the interests of the Allied cause ought to be regarded as sufficient to override, for the time being, all interests of private citizens; and that following this principle already applied by British courts, no libel will be allowed in Italian or English ports when the ships are requisitioned by, or in the service of the respective Governments, and you express the desire of your Government that the Federal authorities should accept upon the basis of reciprocity, the principle above set forth in conferring immunity from arrest or libel upon any ships in the service of any Allied Government.

In reply, I beg to state that the question of the immunity from legal proceedings in the courts of the United States of ships requisitioned by the Italian Government in the present war, has already received the careful consideration of this Government while a neutral. This Government considers that the observations made on this subject in its notes to your Embassy in the *Attualità* case² are applicable to the vessels to which it is understood your proposal relates. The Government of the United States, although now a cobelligerent, perceives no reason for modifying the views set forth in these notes, particularly the note of October 26, 1916, and adheres to the attitude indicated therein.

I may point out that since the courts in this country would doubtless entertain a proper application of the owner to release under bond, pending final disposition of the case, any vessel of the class included in the proposal under consideration which might be involved in litigation, no serious delay nor inconvenience need be experienced by reason of legal proceedings of the sort indicated against these requisitioned ships.

I am [etc.]

ROBERT LANSING

¹ Not printed.

² See *Foreign Relations*, 1917, Supplement 1, pp. 675-687.

RADIO COMMUNICATION WITH FRANCE

File No. 811.74/130

The French Ambassador (Jusserand) to the Secretary of State

[Translation]

WASHINGTON, June 19, 1917.

[Received June 23.]

MR. SECRETARY OF STATE: During the last few months the Government of the Republic has given its attention to providing a safe way of maintaining wireless communication between France and the United States.

The surtax laid upon telegraphic cables during the war, the possibility of their being occasionally or wilfully cut, the very great progress lately achieved in wireless communication, and finally the desire to bring the two countries into closer and more direct relations are the many reasons which led the Ministry of Commerce, Posts and Telegraphs, to consider the early building in France of a new station capable of transmitting to and receiving from the United States radiotelegraphic communications of every kind.

But before arriving at a final decision in this respect and with a view to the appropriation that must be asked of the Parliament, the French Government would like to receive from the American Government the assurance that there will be in the United States a station with which the new station can always communicate.

If the Federal Government should agree to coincide in these views, it would seem that arrangements might be made even now to settle the question of the manner of correspondence between the stations during the war and even to forecast the rules which after the war will govern the wireless communications between the two countries.

All the wireless telegraph stations in operation in the United States are at present under the control of the Federal Department of the Navy, which is the Department that will no doubt have to tell whether either of the stations at its disposal may be designated to communicate with the contemplated French station and state the hours that would be daily set apart for such communication. If such an assignment could not be made, my Government would desire to know whether a new special station could not be erected on American territory and what the conditions would be.

As for the period subsequent to the hostilities the Government of the Republic would attach great importance to knowing now, if possible, to what system of management the Federal Government intends to subject the use of wireless telegraphy within the territory of the Union.

In case the present system, which is tantamount to a Government monopoly, should be adhered to, the agreements made during the war could be continued as they stand and with the same force.

If on the contrary, in accordance with the traditions concerning the operation of telegraph, telephone and other systems, the United States should restore the former system of private operation by companies, it would be of great value to my Government to know under what conditions the new French station which the Ministry of Commerce proposes to create could continue to communicate with the United States. It would be particularly interesting to know whether, so far as it may be foreseen at this time, the companies operating on American territory would be placed under the obligation to correspond with none but stations also operated by companies, or allowed to correspond with Government stations.

By reason of the very high interest my Government takes in these questions and in the arrangements it will have to make in accordance with those that may be effected here, I should be very thankful to Your Excellency if you would kindly let me know, as soon as you find it possible, how the suggestions herein offered were received by the Federal authorities concerned.

Be pleased to accept [etc.]

JUSSERAND

File No. 811.74/133

*The Acting Secretary of State to the French Ambassador
(Jusserand)*

No. 1892

WASHINGTON, July 19, 1917.

EXCELLENCY: Referring to your note of June 19, 1917, in which you make certain suggestions for providing a safe way of maintaining wireless communication between France and the United States, and to the Department's reply No. 1876, of June 30,¹ stating that the substance thereof had been communicated to the Secretary of the Navy, I have the honor to inform Your Excellency that a reply has been received from the Secretary of the Navy, from which it appears that during the present war his Department is prepared to take up regular communication through the Sayville or Tuckerton station, and such high-power station in France as may be designated, and that arrangements have been completed for the exchange of official communications, which could be extended to include commercial traffic in case of need. The Secretary of the Navy states that his Department is in favor of regular direct commercial radio communication with France in times of peace but unless Congress acts favor-

¹ Not printed.

ably on H. R. Document No. 2573,¹ a copy of which is transmitted herewith for your information,² his Department will not be in a position to insure this commercial communication when peace arrives. It is probable, however, that the bill named will be taken up with other general legislation later in this calendar year.

The Secretary of the Navy states further that should the necessary legislation be obtained, his Department would gladly make full arrangements with the French authorities in advance of the conclusion of peace, for the handling of commercial traffic, either through a station erected and operated by the French Government or through one operated by a private concern under its direct control, which commercial communication can be so arranged as not to interfere with the official dispatches of the Naval Communication Service.

The Secretary of the Navy states in conclusion that under the present laws, his Department could make no objection to the erection or use of a privately owned radio station anywhere in the United States, except in the immediate vicinities of certain specified Government stations, for communication with a Government or privately owned station in France; and that his Department would not be able to insure the maximum freedom from interference for the proposed international communication.

Accept [etc.]

FRANK L. POLK

Navy Department Reference No. M.5. 12202

The Chief of the Navy Department Bureau of Steam Engineering (Griffin) to the Commander in Chief of United States Naval Forces Operating in European Waters (Sims)

WASHINGTON, January 8, 1918.

Subject: High Power Radio Station—Southwest France

1. From a study of the correspondence and telegrams relative to the above subject, it appears that a certain amount of uncertainty exists in the minds of the various officials concerned attending the conference in France, as to what the exact intention of this Government is.

2. In so far as the Navy Department has been designated by the President to take charge of all radio communication during the war, it is the intention of this Department to furnish at as early a date as possible a complete high power radio station that will fulfill in every way the necessary requirements as indicated by communications received from the French Government.

3. All material excepting bricks, lumber, concrete, etc. is now being fabricated for a 1,000-KW duplicate arc installation, includ-

¹ 65th Congress, 1st session.

² Not printed.

ing a steam plant and turbo-generator as a standby prime mover (oil engines for this purpose are not obtainable). Eight (8) self-supporting steel towers which weigh about 500 tons each, are being constructed and will be shipped as soon as fabricated. These towers will support an antenna of .05 capacity and an antenna current of from 500 to 700 amperes is guaranteed by the contractor, the Federal Telegraph Co., provided the antenna and ground resistance is not greater than 1.5 ohms.

4. During the erection of this station, engineers from the Navy Department will superintend the work and when the station is ready for commissioning, competent personnel will be furnished to run the station and "break in" any of the French operators that may be sent to assist in the operation of the taking over of the station.

5. The apparatus for this equipment is already about 20 per cent completed, and the contracts for the towers are being let. It is expected that all material will be on the ground by August 30, 1918, and that the station will be ready for commissioning soon afterwards.

6. Further information concerning the progress of this station will be forwarded from time to time.

GRIFFIN

File No. 800.74/9

The Ambassador in France (Sharp) to the Secretary of State

No. 5960

PARIS, January 18, 1918.

[Received February 5.]

SIR: I have the honor to transmit herewith, in copy and translation:

4. The protocol of a conference which took place on the 5th of January, 1918, between the American and French members of such Commission.¹

I have [etc.]

WM. G. SHARP

[Enclosure—Translation]

Protocol of a Conference between the American and French Members of the Inter-Allied Radiotelegraphic Commission

PARIS, January 5, 1918.

The undersigned, members of the Franco-American Wireless Telegraph Commission, met on January 5 at 10 o'clock at the office of the United States Naval Attaché at 23 rue de la Paix, Paris.

¹The Inter-Allied Radiotelegraphic Commission.

The following were present:

Naval Captain Evans and Naval Lieutenant Loftin of the United States, and Colonel Ferrié, Colonel Cartier, and Major Faucheur of France.

Colonel Cartier acted as secretary.

The Commission takes note of the following two cablegrams regarding the agreement of the American Navy to furnish and deliver in France the technical equipment and the towers of the new high-power station planned in the southwest of France.

The first cable is from the French High Commissioner at Washington:

The Navy Department transmits to us a summary of the letter of the President of the Council addressed to General Pershing concerning the construction of a high-power station in the region of Bordeaux. The American Navy agrees to deliver in France all the necessary equipment, including the towers. France will see to buying the land, constructing the necessary buildings, and fitting up the station. A cablegram confirming this agreement is being sent by the Navy Department to Admiral Sims.

The second cable is from Admiral Sims and is addressed to Naval Captain Jackson, Naval Staff representative at Paris:

Material for high power radio station for southwest France now being constructed by Navy, including two arc motor[s] input of each 1,200 kilowatts each to radiate over 550 amperes for suitable antenna 8 self-supporting towers over 800 feet high. Navy will deliver in France and if desired will erect same.—Sims.

The Commission likewise takes note of a declaration made by General Russel on behalf of General Pershing regarding the necessity of reducing to a minimum the weight to be transported from America to France, on account of the scarcity of available tonnage.

NAVAL CAPTAIN EVANS
 NAVAL LIEUTENANT LOFTIN
 COLONEL FERRIÉ
 COLONEL CARTIER
 MAJOR FAUCHEUR

File No. 811.7451/-

The Secretary of the Navy (Daniels) to the Secretary of State

WASHINGTON, November 24, 1919.

[Received November 26.]

SIR: During the war, the Navy Department undertook to cooperate with the French Government in the erection of a high power

radio station at Croix d'Hins, Gironde, France. The construction of this station was deemed necessary at the time in order to insure communication at all times between the United States and the Commander-in-Chief of the American Expeditionary Forces. The armistice was signed before the completion of the station, however, and the original purpose no longer existed but it was the desire of the French Government to continue its construction as an after the war project.

Accordingly an agreement was entered into by representatives of the United States and the French Government, whereby the United States was to proceed with the completion of this station for the French Government, that Government to reimburse the United States for the cost of all labor, material and other expenditures. A copy of this agreement is transmitted herewith.

Sincerely yours,

JOSEPHUS DANIELS

[Enclosure]

Agreement between the United States of America and the Republic of France, Concerning the Completion of the Lafayette Radio Station at Croix d'Hins, Near Bordeaux (Gironde), France

OFFICIAL TEXT (ENGLISH)

That, whereas, General John J. Pershing, Commander-in-Chief of the American Expeditionary Forces requested, as a war measure, that he be furnished with a means of assured communication, throughout all times of the year, and as such communication could best be assured from France by the construction of an extra high power radio station, the station now known as the Lafayette Radio Station, at Croix d'Hins, Gironde, France, was undertaken by the French Government.

That, as the towers and apparatus for this station could be manufactured most expeditiously in the United States, arrangements were made for obtaining the necessary material and the labor for its installation from the United States, delivery being assured by the United States Navy.

That, these arrangements were entered into at a time when the contemplated completion of such station would have rendered distinct military assistance during hostilities, thereby enabling the United States Government to more effectually aid and succour the French Government, and the whole project was, therefore, considered purely as a co-operative war measure.

That measures were to be taken, upon the cessation of hostilities, for the eventual purchase, if desired by the French Government, of all material furnished from the United States for the construction of the said station; and it was agreed that the United States Government would be reimbursed, for the costs incurred.

And now whereas: The signing of an armistice by the United States of America, the Allies and the Central European Powers has brought about the cessation of hostilities; thus rendering the military necessity of the Lafayette Radio Station inoperative, and eliminating the original motive for the co-operation of the United States Government in the construction of said station; it is apparent and must be admitted that a complete change of status has unavoidably been effected, and that new arrangements must be made in view of this complete change.

Since both parties have fulfilled in good faith, in so far as was practicable, each its part of the obligations originally assumed, it is now further agreed:

1. That, the French Government desires to continue, as an after the war project, the erection of the radio station at the aforementioned place; and the United States Government recognizes, even though the cessation of hostilities has brought to the fore its other projects for which the material in question is needed and desired, the equity of such a desire. The United States therefore sells to the French Government at cost price all the material and equipment actually delivered in France or to be delivered in France by it for the construction of the Lafayette Radio Station.

2. That, the United States Government will execute, until completion, its work at said station according to the old specifications and according to such new plans as it decides are necessary; all matters concerning the erection of the towers and the installation of arc apparatus to be managed by the United States Government and also those matters incident to such work. As requested by the French Government, the Government of the United States will use for carrying on the work, as much French labor as it judges to be possible, it being understood nevertheless that, it shall be at complete liberty to employ such contractors as it may desire, under the rules usually in force for its own service.

3. That all material and equipment delivered now and in future, and all construction that has been and will be undertaken and executed by the United States Government, is and will be accepted by the French Government and reimbursement therefore will be made to the United States Government, in Paris every three months, beginning on the 1st of April, 1919.

Payments shall be made as follows:

April 1, 1919.....	(a)	50 per cent of approximate cost of material delivered by United States up to that date.
	(b)	Total cost of labor and other expenditures up to that date.
July 1, 1919.....	(a)	50 per cent of balance due for materials delivered by United States.
	(b)	Total cost of labor and other expenditures between April 1 and July 1.
October 1, and each three months thereafter.	(b) ¹	Total cost of labor and other expenditures for the preceding period of three months.
Final payment one month after completion of work undertaken by United States.	(a)	Balance due on material delivered by United States.
	(b)	Balance due for labor and other expenditures.

4. That the Government of the United States reserves unto itself the right to such material as it may desire when this material is unessential to the construction.

5. That, satisfactory completion shall be considered as effected when eight (8) towers shall have been erected and the antenna installed thereon, and when the Federal arc apparatus to be installed is ready to deliver five hundred (500) antenna amperes, it being understood that in the meantime the French Government shall have carried on as formerly laid out its work on buildings, foundations and appurtenances thereto, in such manner as not to have delayed the work of the United States Government, and also that the French Government's station layout and location meets if necessary, the fundamental requirements of an antenna capacity of .05 microfarads and ground resistance such as will allow a total oscillating circuit resistance not to exceed 1.g [1.5^g] ohms at a wave length of three times the natural period of the antenna.

6. That, the United States Government guarantees the material and the workmanship entering into all material hereby sold to be of standard quality, provided the French Government guarantees all permanent buildings and tower foundations to be safe and adequate for the installation therein and thereon of the material furnished by the United States Government. The French Government having selected with a knowledge of its limitations and advantages, the location of the station and dictated the size and type of the antenna to be installed and the power and type of apparatus to be used, it is understood that the United States Government shall not be held responsible for any shortcomings in these details.

7. That, the United States Government guarantees the French Government against all eventual claims of possessors of the pat-

¹"(b)" on copy in files.

ents known as the Federal Telegraph Company's patents, which might arise at the Lafayette Radio Station, due to the operation by France of the arcs, and in general all the material installed by the United States. In the event of any owners of the patents known as the Fuller developments, successfully maintaining a claim against the French Government for the use of such patents in the Lafayette Radio Station, in connection with material supplied by the United States, the French Government reserves to itself the right to return to the United States all or parts of the arc material at the price originally charged, and the United States will receive same without prejudice.

8. That, the French Government binds itself to forward the work of the United States Government in all ways which may be desired by the United States Government and the United States Government binds itself to proceed as expeditiously as is in keeping with good economic, engineering practice, this always excepting unavoidable delays brought about by acts of Providence.

Paris, February 11, 1919.

G. C. SWEET

Lieutenant Commander, U. S. N. (Ret.)

LE COLONEL DU GÉNIE FERRIÉ

Directeur technique de la Radiotélégraphie Militaire

AMERICAN-ITALIAN PROTOCOL RELATIVE TO RADIO SERVICE

File No. 865.74/1

The Italian Ambassador (Macchi di Cellere) to the Secretary of State

[Translation]

WASHINGTON, *January 16, 1918.*

MR. SECRETARY OF STATE: As a consequence of an exchange of views between the Navy Department (Navy Commercial Office) and the Naval Attaché to this Royal Embassy, it has been found advisable for the United States Government and the Government of Italy to agree upon the conclusion of an accord to the effect of regulating the radiotelegraphic communications between the two countries, on the special consideration that the lack of a direct cable between the United States and Italy makes the exchange of news particularly difficult and slow in a moment when, on the contrary, it would be of the greatest interest for all to have it work as quickly as possible.

I have, therefore, the honor, by order of my Government, to submit to Your Excellency the enclosed draft of a convention¹ which might

¹ Not printed; it is virtually the same as the final text, *post*, p. 847, except for the revisions agreed upon in the following notes.

be signed between the United States and Italy for the normal working of a radiotelegraphic service.

Begging you to let me know the decisions of the United States Government on this proposed convention and draft of it, I have [etc.]

V. MACCHI DI CELLERE

File No. 865.74/2

The Secretary of State to the Italian Ambassador (Macchi di Cellere)

No. 384

WASHINGTON, February 14, 1918.

EXCELLENCY: This Department, in conjunction with the Navy Department, has given attentive consideration to the draft protocol which you submitted with your note of the 16th ultimo for conclusion between the United States and Italy, to regulate radiotelegraphic communications between the two countries. As a result of that consideration I have the honor to suggest for acceptance by your Government two changes in the draft submitted, as follows:

(1) Paragraph 2 of the draft provides that "The United States and the Italian Governments acquiesce in setting apart one Italian and one American wireless station of sufficient power to insure radio communications between the two countries." It is suggested that the words "setting apart" be stricken out and substituted by the word "designating." This amendment is proposed for the reason that the words "setting apart" might be construed as an obligation upon the United States to use the one station referred to in the paragraph for the Italian service alone and for no other service. In the opinion of the Secretary of the Navy, in which I share, it would be inadvisable for the Government of the United States so to commit itself, since in case the cables to Europe should be cut and it should thereby become necessary to handle all communications to and from Europe by radio, it would be necessary to distribute the urgent official messages for Europe between the several radio stations operated by the Navy Department and have these messages transmitted in the order of their urgency; and it is quite conceivable that a situation might arise which would be highly embarrassing as well as detrimental to the efficiency of communication with Europe if one of the several radio stations controlled by the Navy Department was permanently set apart for communication with Italy alone and could not be used to transmit messages either to France or Great Britain.

(2) It is suggested by the Navy Department that the last sentence in paragraph 3 of the submitted draft reading: "Therefore the United States and the Italian Governments, considering that there is no other direct system of communication between the two countries, will insure transmission by priority over all others of their official

urgent messages," be stricken out and that there be substituted therefor the following: "Therefore the United States and the Italian Governments, considering that there is no other direct system of communication between the two countries, will insure transmission by priority over all other messages between the two countries, of their official urgent messages."

This substitution is proposed for the reason that as paragraph 3, as submitted by your Government, stands, it is capable of being interpreted to mean that it provides for an absolute priority in handling Italian official messages over all others. In view of the presence of an American Army in France, communication with France is of the utmost importance, and this Government could not therefore feel justified in engaging itself to any agreement which would give priority to messages to and from Italy over messages to and from France. Since it may happen, should all cables to Europe be cut, that communication with France, as well as with England, would be of greater importance than communication with Italy, it is the view of both the Navy Department and the Department of State that the possibility that cables to Europe may be cut at any time, in which event the radio telegraphic service would be called upon to handle all official messages, naval, military and diplomatic, should be kept in view in the negotiation by the United States of any international agreement having in view radio communication with any of the Allied countries of Europe.

I am requested by the Acting Secretary of the Navy to assure you of the Navy Department's wish that the suggested changes in the proposed protocol should not be construed as discouraging or objecting to direct radiotelegraphic service with Italy. As a matter of fact, as Your Excellency is aware, such direct radio communication with Italy has already been arranged by the Navy Department, and official messages are being exchanged daily through this service in an expeditious and satisfactory manner. The Navy Department is pleased to be able to provide for this service but, as stated above, the possible future needs of the radiotelegraphic service with the other Allied countries in Europe must be kept in view.

Accept [etc.]

For the Secretary of State:

FRANK L. POLK

File No. 865.74/3

The Italian Ambassador (Macchi di Cellere) to the Secretary of State

[Translation]

No. 707

WASHINGTON, February 28, 1918.

MR. SECRETARY OF STATE: By your note No. 384, dated the 14th instant, Your Excellency was pleased to inform me that the Depart-

ment of State having given, jointly with that of the Navy, careful consideration to the draft of protocol submitted by me on January 16 for the conclusion of an agreement between Italy and the United States to regulate radiotelegraphic communications between the two countries, proposed two variants, the one in article 2 and the other in article 3.

Upon considering in turn the two proposed variants, I have the honor to inform Your Excellency in the name of the Royal Government, that in view of the arguments adduced by Your Excellency, I readily accept the two variants and have no objection to (1) substituting¹

The Government of the United States and the Royal Government thus being now in full accord as to the text of the protocol to be concluded between the two countries, I am at Your Excellency's disposal for the signature of the said instrument on such day and at such place as you may be pleased to designate to me.

To that end, I have the honor to transmit herewith to Your Excellency the English and Italian texts of the protocol that are to be signed by the Italian and United States representatives, in order that Your Excellency may judge of their equivalence.²

Accept [etc.]

V. MACCHI DI CELLERE

Treaty Series No. 631-A

Protocol between the United States and Italy Relative to Radio Service, Signed March 27, 1918

PROTOCOL between the United States and Italy relative to Italo-American Radio Service.

The undersigned, representatives of the Governments of the United States and Italy met the 27th day of March nineteen hundred and eighteen, at 11:30 a. m., at the State Department, Washington, D. C., and agreed upon the following articles:

ARTICLE I

The Government of the United States and the Government of Italy, considering that there are no direct submarine cables connecting the two Countries, think it is most urgent to establish immediately a regular radio-service between the United States and Italy.

¹ Substitutions as in the Secretary's note, *supra*.

² Italian text not printed; English text of signed copy printed *infra*.

ARTICLE II

The Government of the United States and the Government of Italy acquiesce in designating one American and one Italian wireless station of sufficient power to insure the radio communications between the two Countries. These stations will be determined upon and respectively notified by both parties in the agreement mentioned in Article VIII of this protocol.

ARTICLE III

The radio line cannot be considered a duplicate of submarine cable route. Therefore, the Government of the United States and the Government of Italy, considering that there is no other direct system of communication between the two Countries, will insure transmission by priority over all other messages between the two Countries of their official urgent messages.

ARTICLE IV

In principle, radiograms regularly handled shall be limited in character to official, political, military, or naval urgent communications. This does not prevent the regular handling of official government press information.

ARTICLE V

This new transatlantic radio line is to be used also to insure communications with Italy in case the cable lines by way of France and England should prove to be insufficient.

ARTICLE VI

Official radiograms shall be in cipher; however radiograms conveying only official press information will be transmitted unciphered.

ARTICLE VII

The United States and Italian authorities who are authorized to employ radio communications are the following:

Authorities residing in Washington: The Department of State; the Department of War; the Department of the Navy; the Italian Embassy; the Italian Military Attaché; the Italian Naval Attaché; and the Director of Naval Communications.

Authorities residing in Rome: The Ministry of Foreign Affairs; the Ministry of War; the Ministry of Marine; the Ministry of Posts and Telegrams; the Embassy of the United States; the Military Attaché of the United States; and the Naval Attaché of the United States.

ARTICLE VIII

The technical and practical conditions under which the United States and Italy will employ this radio line will be determined in a further agreement between the communication services of the respective Governments. It is, of course, understood that systematic trials have to be made to perfect the various conditions, specially to determine the hours of service, in order to improve this important service.

[SEAL] ROBERT LANSING

[SEAL] MACCHI DI CELLERE

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