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Foreign
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of the
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1936

Volume III

THE NEAR EAST
AND AFRICA

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Diplomatic Papers

1936

(In Five Volumes)

Volume III

The Near East and Africa

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Sept. 11 (429)	<i>From the Ambassador in the United Kingdom (tel.)</i> Call of Edward Page Gaston, apparently the London representative of Dr. Chase, relative to a visa for the Emperor; Ambassador's efforts to explain futility of a visit by the Emperor.	217
Nov. 20 (416)	<i>From the Ambassador in Italy (tel.)</i> Information from Foreign Minister Ciano that Emperor is still planning to visit the United States for propaganda purposes; advice that Ciano has furnished a list of persons and associations in the United States who are said to be sponsoring the trip.	218
Nov. 23 (415)	<i>To the Ambassador in the United Kingdom (tel.)</i> Summary of information received from the Ambassador in Italy, and request that Department and Embassy at Rome be furnished any information obtainable respecting visit.	218
Nov. 26 (571)	<i>From the Ambassador in the United Kingdom (tel.)</i> No further information regarding proposed visit. (Sent also to Italy.)	219

V. ATTITUDE OF THE UNITED STATES TOWARD RECOGNITION OF ITALIAN
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1936 May 6 (134)	<i>From the Chargé in Italy (tel.)</i> Discussion of possible procedures which the Italian Government might adopt in order to consolidate its occupation of Ethiopian territory; views of French and British Ambassadors.	219
May 7	<i>Memorandum by the Legal Adviser</i> Detailed consideration of questions which may arise if Mussolini actually takes over Ethiopia; analysis of precedent found in previous comparable situations.	222
May 8	<i>Memorandum by the Secretary of State</i> Conversation with the Argentine Ambassador, who was asked unofficially and informally to sound out his Government as to what it had in mind with respect to the interpretation and the application of the Argentine Peace Pact to the forcible Italian occupation of Ethiopia.	225
May 9	<i>Italian Royal Decree—Law No. 754 of May 9, 1936</i> Text of decree declaring sovereignty of Italy over Ethiopia and indicating the general form of government planned.	226
May 10 (144)	<i>From the Chargé in Italy (tel.)</i> Reason for nonacceptance of informal invitation of Foreign Office to attend ceremonies attendant on announcements pertaining to Ethiopia; advice that Military and Naval Attachés were present.	227

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1936 May 11 (147)	<i>From the Chargé in Italy (tel.)</i> Advice that the juridical status of Ethiopia is not clearly defined; that apparently the nature of the new entity and its relation to Italy will have to be defined by administrative acts. Italian hope that U. S. attitude in the Ethiopian matter will be favorable.	227
May 11	<i>From the Italian Ambassador</i> Formal notification of Italian annexation of Ethiopia.	229
May 12	<i>Memorandum by the Secretary of State</i> Oral remarks of the Italian Ambassador upon his presentation of the memorandum dated May 11 (<i>supra</i>).	229
May 12	<i>Memorandum by the Under Secretary of State</i> Conversation with the Italian Ambassador, who was told, in reply to his inquiry, that the United States had not yet decided what course it would adopt relative to Ethiopia.	230
May 13 (1188)	<i>From the Colombian Chargé</i> Colombian invitation to United States to make a joint reply, or at least a uniform one, to the Italian notification of annexation of Ethiopia, indicating nonrecognition in line with the Declaration of American States of August 3, 1932, and the Anti-War Pact of 1933.	231
May 13 (47)	<i>From the Chargé in Honduras (tel.)</i> Advice that Honduran Foreign Minister has received an invitation from Colombia to make uniform reply to Italian notification, and that he would appreciate an indication of U. S. attitude before replying.	231
May 13	<i>Memorandum by Mr. Eugene H. Dooman, of the Division of Far Eastern Affairs, of a Conversation With the Counselor of the Japanese Embassy</i> Counselor's inquiry as to whom he could see relative to instructions from his Government to ascertain U. S. attitude toward the Italian notification of annexation of Ethiopia; Mr. Dooman's promise to endeavor to ascertain appropriate person.	232
May 14	<i>Memorandum by Mr. Eugene H. Dooman, of the Division of Far Eastern Affairs, of a Conversation With the Counselor of the Japanese Embassy</i> Dooman's indication that he had been directed to make oral reply to the Counselor's inquiry of May 13; statement read to Yoshizawa (text printed) indicating that the Government is observing developments and will deal with practical questions as they arise.	233
May 14 (124)	<i>From the Minister in Nicaragua (tel.)</i> Desire of Foreign Office to learn U. S. attitude in Ethiopian matter in order to make uniform reply to Colombian telegram on the subject.	233
May 14 (70)	<i>To the Minister in Nicaragua (tel.)</i> Instructions to inform Nicaraguan Government that the Department has refrained from replying to the Italian annexation notice for the time being, and is studying the situation. (Footnote: Substantially same telegram to Chargé in Honduras.)	234

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May 15 (1685)	<i>From the Chargé in Italy</i> Translations of news items (texts printed) in the Italian press of May 9 and 12 reporting interviews granted by Ambassador Long with reference to Italy.	235
May 21 (128)	<i>From the Ambassador in Brazil (tel.)</i> Foreign Office request for information as to character of U. S. reply to Italian announcement of annexation of Ethiopia.	236
May 21	<i>Memorandum by the Chief of the Division of Western European Affairs</i> Inquiry by Counselor of Italian Embassy as to attitude of the United States toward Colombia's suggestion; reply that U. S. Government is in no position to give an expression on the subject at this time.	236
May 22 (72)	<i>To the Ambassador in Brazil (tel.)</i> Instructions for reply to the Foreign Minister's inquiry relative to the Italian notification.	238
May 31 (382)	<i>From the Minister Resident in Ethiopia (tel.)</i> Résumé of the provisions of a decree issued by the Governor General specifying types of legal procedure applicable to various groups of people in Ethiopia.	238
June 1	<i>Memorandum by the Chief of the Division of Near Eastern Affairs</i> Opinion that the Governor General's decree would be an invasion of the extraterritorial rights accorded American nationals by article 3 (text printed) of the U. S.-Ethiopian treaty of June 27, 1914; opinion that position of other countries on the decree should be ascertained.	239
June 2 (262)	<i>To the Minister Resident in Ethiopia (tel.)</i> Request that the Minister keep Department informed of any instructions his colleagues may seek or receive concerning Governor General's decree.	240
June 8 (404)	<i>From the Minister Resident in Ethiopia (tel.)</i> Information that colleagues have thus far received no replies to their requests for instructions; that the German Chargé has temporarily suspended consular court activities; and that no American cases are pending in consular or special courts.	240
June 9	<i>Memorandum by the Chief of the Division of Near Eastern Affairs</i> Discussion of U. S. position in previous cases of termination of its extraterritorial jurisdiction; conclusion that no final decision can be made as to the question of extraterritorial jurisdiction in Ethiopia until one has been made with respect to recognition of Italian annexation.	240

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June 13 (67)	<i>To the Chargé in Italy (tel.)</i> Italian Ambassador's request for an <i>agrément</i> to appointment of Suvich as Ambassador in Washington. Ambassador's inquiry as to whether appointment of a successor to him would raise any difficulty; reply, in view of understanding that inquiry referred to addition of title of "Emperor" in letters of credence, that Department was not in a position to consider any new phase involved in such a proposed appointment.	242
June 15	<i>Memorandum by the Under Secretary of State</i> Suggestion to Italian Ambassador, after conversation with President Roosevelt, that new American Ambassador be accredited to "His Majesty the King of Italy, etc., etc.," or to "His Majesty the King of Italy and possessions beyond the seas."	243
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June 19 (70)	<i>To the Chargé in Italy (tel.)</i> Belief that there would be no difficulty in Italy's acceptance of letters of credence without additional title, but preference for settlement of matter before final consent to <i>agrément</i> of the Italian appointee.	245
June 20 (221)	<i>From the Chargé in Italy (tel.)</i> Understanding from Foreign Office that Italian Government will accept letters of credence addressed to the "King of Italy," but will add "Emperor of Ethiopia" in credentials of Italian representatives.	246
June 23 (284)	<i>To the Minister Resident in Ethiopia (tel.)</i> Résumé of situation relative to titles and question of recognition of Italian sovereignty over Ethiopia in connection with the exchange of Ambassadors with Italy. Advice that the President has given his approval to appointment of Suvich as new Italian Ambassador at Washington.	246

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Aug. 1 (99)	<i>To the Chargé in Germany (tel.)</i> Request for any information obtainable relative to the significance of German reduction of its representation at Addis Ababa from a Legation to a Consulate General.	248
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Nov. 2	<i>Memorandum by the Chief of the Division of Near Eastern Affairs</i> Reply in the negative to an inquiry by the Italian Ambassador, in view of American press comment, as to whether any "understanding" existed between the United States and Latin American countries with respect to recognition of the Italian conquest.	249
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May 5 (125)	<i>From the Chargé in Italy (tel.)</i> Inquiry at Foreign Office as to steps taken to protect foreigners in Addis Ababa, with emphasis on Italian responsibilities resulting from situation which they have created; reply that troops are expected to enter the city in matter of hours. Italian attitude on the matter of responsibility for the situation.	264
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May 6 (296)	<i>From the Consul at Addis Ababa (tel.)</i> Departure of Italian guard.	267
May 6 (199)	<i>To the Minister Resident in Ethiopia (tel.)</i> Reassurance that action in leaving Legation was quite in accordance with instructions.	267
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May 14 (227)	<i>To the Minister Resident in Ethiopia (tel.)</i> Information from one of U. S. representatives in Europe that the Italians have requested withdrawal of British Legation guard, and that the British intend to replace their diplomatic mission with a consular office.	268
May 27 (374)	<i>From the Minister Resident in Ethiopia (tel.)</i> Noncompliance of British and French Governments with Italian request to withdraw Legation guards, in view of unsettled local situation.	268
July 6 (455)	<i>From the Minister Resident in Ethiopia (tel.)</i> Impression that Italians are exceedingly nervous regarding the local situation and their ability to hold Addis Ababa during the rainy season.	269
July 8 (459)	<i>From the Minister Resident in Ethiopia (tel.)</i> No train movements since July 5; unofficial information of destruction of part of railway line by Ethiopian band.	269
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July 14 (308)	<i>To the Minister Resident in Ethiopia (tel.)</i> Request for views and comments relating to the safeguarding of the Legation in the event of Italian inability to give adequate protection.	270
July 16 (476)	<i>From the Minister Resident in Ethiopia (tel.)</i> Situation relative to protection of the Legation, and specific suggestions, including the temporary subleasing of the Belgian Legation, now unoccupied.	270

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July 24 (27)	<i>To the Chargé in Belgium (tel.)</i> Instructions to discuss matter of sublease with Foreign Office again, explaining its importance as a temporary defense measure.	274
July 27 (497)	<i>From the Minister Resident in Ethiopia (tel.)</i> Lodging of stray bullet in wall of Chancery during rifle fire in neighborhood.	275
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July 29 (499)	<i>From the Minister Resident in Ethiopia (tel.)</i> Advice that a small battle has been raging near Belgian and British Legations for 26 hours; opinion that it would be unwise to move into Belgian Legation at this time since both Legations are exposed to stray shots.	276
July 30 (501)	<i>From the Minister Resident in Ethiopia (tel.)</i> Information from Italian authorities that Ethiopian bands involved in battle have been driven off, and that all necessary measures have been taken for adequate protection of American Legation and institutions.	276
July 30 (327)	<i>To the Minister Resident in Ethiopia (tel.)</i> Expression of strong feeling that Minister should move into Belgian Legation at earliest possible moment; emphasis on safety of Legation personnel and American nationals.	276
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June 3 (389)	<i>From the Minister Resident in Ethiopia (tel.)</i> Minister's refusal to accept an Italian order for the expulsion of Tanner, and his explanation of the situation; Graziani's agreement to cancel expulsion order.	292
June 6 (398)	<i>From the Minister Resident in Ethiopia (tel.)</i> Diplomatic Corps' discussion of the decree regarding Fascist salute; information that the British and French Ambassadors in Rome have protested the decree, and have been assured that local authorities would be instructed not to enforce it in regard to foreigners.	293
June 6 (399)	<i>From the Minister Resident in Ethiopia (tel.)</i> Decision of Diplomatic Corps to inform respective Governments that since Badoglio's departure the high command has tended to ignore chiefs of missions in their official capacity and to address them without giving titles.	293
June 7 (403)	<i>From the Minister Resident in Ethiopia (tel.)</i> Account of informal conversation with Graziani relative to welfare of American missionaries and other American citizens in Ethiopia; opinion that Graziani's utmost courtesy was result of instructions from Rome.	294
June 9 (270)	<i>To the Minister Resident in Ethiopia (tel.)</i> Approval of Minister's attitude in conversation with Graziani, and suggestions as to future course; inquiry as to title used by Diplomatic Corps in addressing Marshals Badoglio and Graziani.	295
June 12 (418)	<i>From the Minister Resident in Ethiopia (tel.)</i> Information that none of chiefs of mission used title of "Viceroy" in addressing Badoglio; and that Minister has used "Commander in Chief" when referring to Graziani.	295
June 15 (278)	<i>To the Minister Resident in Ethiopia (tel.)</i> Approval of Minister's practice in addressing Graziani only as Commander in Chief.	296
July 6 (453)	<i>From the Minister Resident in Ethiopia (tel.)</i> Advice of decree regulating private radio stations; information from Graziani that Legations would be permitted to use their stations provisionally as private individuals.	296
July 6 (454)	<i>From the Minister Resident in Ethiopia (tel.)</i> Account of lengthy discussion with Graziani relative to the radio station decree and the stationing of Italian guards at the Legation, which finally led to the temporary compromise settlement reported in No. 453, July 6.	296

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VII. RELATIONS BETWEEN THE AMERICAN MINISTER RESIDENT IN ETHIOPIA AND THE ITALIAN MILITARY COMMANDERS—continued

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1936 July 7 (298)	<i>To the Minister Resident in Ethiopia (tel.)</i> Approval of Minister's action with understanding that other Legations possessing radio stations receive no more favorable treatment.	298
July 8 (461)	<i>From the Minister Resident in Ethiopia (tel.)</i> Receipt of written order from Marshal Graziani that radio stations of the four Legations possessing them will be closed for 15 days; compliance with request, but authorization obtained to receive messages.	298
July 10 (466)	<i>From the Minister Resident in Ethiopia (tel.)</i> Sealing of French and German radios, and attempt to seal British radio.	299
July 10	<i>From the British Embassy</i> British desire for U. S. cooperation in representations to Italy with a view to assuring full immunity of the Legations in practice, even though their status may not be recognized in principle.	299
July 10 (83)	<i>To the Chargé in Italy (tel.)</i> Description of situation in Ethiopia growing out of the radio decree; instructions to bring matter to attention of Foreign Office in order to insure immunity of U. S. Legation in practice without discussion of its diplomatic status, and to urge modification of the radio restrictions.	300
July 10 (304)	<i>To the Minister Resident in Ethiopia (tel.)</i> Advice of communication to Ambassador at Rome; and instructions to cooperate with other Legations toward certain specified ends.	301
July 11 (261)	<i>From the Chargé in Italy (tel.)</i> Representations to Foreign Minister Ciano, who felt the necessity of consulting with Minister for Colonies before replying; Ciano's discussion of reasons for the radio decree.	301
July 14 (473)	<i>From the Minister Resident in Ethiopia (tel.)</i> Agreement with colleagues that they have already done what they can, and that if permission is not granted for the use of radios after the 15 days expire, further representations should be made in Rome.	302
July 15 (267)	<i>From the Chargé in Italy (tel.)</i> Information from Minister of Foreign Affairs that Italian authorities are trying to arrive at some working arrangement relative to the Legation radio at Addis Ababa.	302
July 17 (271)	<i>From the Chargé in Italy (tel.)</i> Informal statement from the Foreign Office (text printed) indicating that former foreign legation officials in Addis Ababa are to be treated as private individuals with special privileges; that the ex-legations may use the government radio; and that continuance of radio restrictions will depend upon circumstances.	303
July 22 (485)	<i>From the Minister Resident in Italy (tel.)</i> Advice of continuation of radio restrictions until further notice.	303

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1936 July 24 (93)	<i>To the Chargé in Italy (tel.)</i> Telegram from Addis Ababa (text printed) summarizing radio decree dated July 21; instructions to request clarification by Foreign Office of the meaning of the decree and to urge early steps to bring about unrestricted communication between U. S. Government and its representative at Addis Ababa.	304
July 25 (290)	<i>From the Chargé in Italy (tel.)</i> Compliance with instructions, and information from Foreign Office that an inquiry will be addressed to the Ministry of Colonies and a reply may be expected within a few days.	304
July 27 (95)	<i>To the Chargé in Italy (tel.)</i> Telegram from the Minister in Addis Ababa (text printed) advising that in an interview with Graziani, the latter stated he personally had no objection to solution in sense desired by Department; instructions regarding utilization of this information in any further conversations at Foreign Office.	305
July 28 (493)	<i>From the Minister Resident in Ethiopia (tel.)</i> Graziani's authorization of unlimited use of cipher by the Minister.	305
July 28 (498)	<i>From the Minister Resident in Ethiopia (tel.)</i> Request that telegram No. 493, July 28, be considered as confidential, since the same privilege has not been extended to other Legations.	305
July 29 (326)	<i>To the Minister Resident in Ethiopia (tel.)</i> Unlikelihood that exclusive cipher concession can be kept confidential; observations concerning the situation.	306
July 29	<i>Memorandum by the Chief of the Division of Near Eastern Affairs</i> Conversation with British Ambassador, in which he was told frankly of Graziani's concession relative to use of cipher and of possible usefulness of the concession to the British; concurrence of Ambassador in Department's viewpoint.	307
Aug. 3 (506)	<i>From the Minister Resident in Ethiopia (tel.)</i> Official information that cipher communications are again permitted to Legations.	308
Aug 3 (507)	<i>From the Minister Resident in Ethiopia (tel.)</i> Background of special permission to use code messages as reported in No. 493, July 28.	308
Aug. 3 (100)	<i>To the Chargé in Italy (tel.)</i> Advice of the information from Addis Ababa relative to the extending of cipher permission to other Legations; and disinclination of Department to press for use of own radio station at this time.	309
Sept. 13 (551)	<i>From the Minister Resident in Ethiopia (tel.)</i> Minister's personal letter of protest to Graziani against the execution of nine Ethiopian "rebels" near the Legation, and request that officer responsible for selection of the place of execution be reprimanded.	310

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Sept. 14 (353)	<i>To the Minister Resident in Ethiopia (tel.)</i> Expression of surprise at strong written protest of Minister sent without consulting Department; reminder that he should refrain from any act that might aggravate situation.	311
Sept. 15 (557)	<i>From the Minister Resident in Ethiopia (tel.)</i> Considerations in extenuation of the letter of protest to Graziani.	311
1937 Feb. 18 (44)	<i>From the Minister Resident in Ethiopia (tel.)</i> Italian Governor's call relative to enforcement of the municipal ordinance pertaining to the Fascist salute, and Minister's explanation of his earlier advice to American citizens in this connection. Suggestion that a hint in Rome would cause the matter to be dropped.	312
Feb. 23 (54)	<i>From the Minister Resident in Ethiopia (tel.)</i> Information from Governor that the clause of municipal ordinance to which Minister objected would not be enforced.	313

VIII. RESTRICTION BY THE ITALIANS UPON TRADE AND COMMERCE IN ETHIOPIA

1936 Sept. 26 (360)	<i>To the Minister Resident in Ethiopia (tel.)</i> Request for comprehensive report on Italian trade regulations in Ethiopia and effect of such measures on American trade.	314
Sept. 29 (565)	<i>From the Minister Resident in Ethiopia (tel.)</i> Report as requested, indicating that, despite promises of fair treatment to trade of all countries, regulations and arbitrary decisions of various kinds discriminate against non-Italian trade.	314
Oct. 7 (367)	<i>To the Minister Resident in Ethiopia (tel.)</i> Instructions to keep Department informed of local importing difficulties in connection with American products; information that, although Department does not desire to raise general question of obstructions against American trade at present, it has no objection to Minister's informal assistance in individual cases.	315
Oct. 10 (581)	<i>From the Minister Resident in Ethiopia (tel.)</i> Listing of specific cases of obstructions to American trade, and information of attempt to be of assistance to importers unofficially.	316
Oct. 23 (9)	<i>To the Ambassador in France</i> Instructions to ascertain what action, if any, the French Government is taking in respect to the matter of obstructions to the importation of goods of non-Italian origin into Ethiopia.	316
Nov. 2	<i>Memorandum by the Chief of the Division of Near Eastern Affairs</i> Discussion with the Italian Ambassador regarding non-fulfillment of policy of "fair treatment" to foreign trade with Ethiopia, enunciated in Italian statement read at the League Assembly on June 30.	317

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VIII. RESTRICTION BY THE ITALIANS UPON TRADE AND COMMERCE IN ETHIOPIA—
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IX. REPRESSIVE MEASURES BY THE ITALIAN AUTHORITIES AGAINST FOREIGN
MISSIONARY ACTIVITIES IN ETHIOPIA

1936 May 14 (340)	<i>From the Minister Resident in Ethiopia (tel.)</i> Attempt of Italians to take over Seventh Day Adventist Mission hospital despite contract with Ethiopian Government; suggestion that Department send for L. H. Christian, of the General Conference, who is familiar with legal aspects of the mission's tenancy.	319
Oct. 15 (193)	<i>From the Minister Resident in Ethiopia</i> Activity of the Roman Catholic Church in Ethiopia following the Italian conquest, and probable effect on American and other Protestant missionary activities.	319
Nov. 21 (209)	<i>From the Minister Resident in Ethiopia</i> Questionnaire (text printed) concerning Italian attitude toward missionary activities in Ethiopia, submitted to Italian authorities by Mr. James L. Rohrbaugh, formerly with the Sudan Interior Mission. Minister's comment on the Italian replies, which gave certain assurances to the missions.	321
Dec. 2 (665)	<i>From the Minister Resident in Ethiopia (tel.)</i> Italian decision to expropriate entire Sudan Interior Mission property in Addis Ababa; intention to confer with British colleague, since mission is Anglo-American, and suggestion that Department inform mission's headquarters.	323
Dec. 6 (670)	<i>From the Minister Resident in Ethiopia (tel.)</i> Further information pertaining to the decree, dated November 27, for requisitioning of the property of the mission; reservation of all rights on behalf of the American interests involved; opinion that until United States recognizes Italian sovereignty in Ethiopia, it cannot recognize political seizure of American property.	323
Dec. 8 (398)	<i>To the Minister Resident in Ethiopia (tel.)</i> Instructions to avoid raising question as to recognition of Italian Government in Ethiopia; Department's efforts to secure information from mission headquarters; inquiry as to whether Minister considers that representations at Rome would be useful.	325
Dec. 9 (674)	<i>From the Minister Resident in Ethiopia (tel.)</i> Affirmative reply to question regarding usefulness of representations at Rome.	325
Dec. 10 (178)	<i>To the Ambassador in Italy (tel.)</i> Summary of situation created by the requisitioning of property of the Sudan Interior Mission, and instructions to take matter up with appropriate authorities and request postponement of requisition proceedings.	325

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Dec. 18 (537)	<i>From the Ambassador in Italy (tel.)</i> Receipt by the British Ambassador of instructions to protest requisition of Sudan Mission property.	326
Dec. 22 (690)	<i>From the Minister Resident in Ethiopia (tel.)</i> Conversation with Marshal Graziani regarding situation involving missionaries. Advice that no attempt has been made to apply decree of November 27.	327
Dec. 23 (692)	<i>From the Minister Resident in Ethiopia (tel.)</i> Advice that substance of Graziani interview has been communicated to British colleague.	329
Dec. 23 (693)	<i>From the Minister Resident in Ethiopia (tel.)</i> Gist of a telegram from Italian Minister of Colonies, shown to U. S. Minister by Graziani, probably by mistake, which directed the Marshal to eliminate all missionaries as soon as possible because they are hostile to Italy.	329
Dec. 28 (700)	<i>From the Minister Resident in Ethiopia (tel.)</i> Report on inquiries being made relative to missionary properties at Sayo and Gore; understanding that several missions, with no American citizens, have been occupied by the Italian military.	330

X. CONSIDERATION BY THE UNITED STATES GOVERNMENT OF WITHDRAWING ITS REPRESENTATIVES FROM ETHIOPIA

1936 July 7 (299)	<i>To the Minister Resident in Ethiopia (tel.)</i> Advice that the question arises as to advisability of withdrawing U. S. representatives from Ethiopia; request for latest information, therefore, regarding American nationals in Ethiopia and status of other Missions in Addis Ababa; desire also for Minister's views as to desirability of his withdrawal.	330
July 9 (463)	<i>From the Minister Resident in Ethiopia (tel.)</i> Information as requested pertaining to American nationals.	331
July 9 (464)	<i>From the Minister Resident in Ethiopia (tel.)</i> Information as requested pertaining to status of other Missions.	331
July 10 (468)	<i>From the Minister Resident in Ethiopia (tel.)</i> Minister's reasons for believing it desirable to remain at his post.	331
Nov. 4 (441)	<i>From the Ambassador in Italy (tel.)</i> Inquiry as to whether the time is not propitious for announcement of Minister Engert's withdrawal from Addis Ababa, leaving affairs in the hands of a subordinate consular officer.	333
Nov. 5 (146)	<i>To the Ambassador in Italy (tel.)</i> Desire of Department that Minister remain in Addis Ababa to assist in protection of American missionaries; possibility of change of Mission to consular status after Engert's departure on leave of absence in the spring.	333

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Nov. 18	<i>Memorandum by the Chief of the Division of Near Eastern Affairs</i> Discussion with the Chief of the Division of Western European Affairs, regarding difficulties of change in representation without precipitating question of recognition of Italian conquest of Ethiopia.	334
Nov. 19 (154)	<i>To the Ambassador in Italy (tel.)</i> Outline of a plan whereby a new consular officer would take charge of U. S. interests, and inquiry as to whether Italian authorities might insist upon an exequatur, thus bringing up problem of recognition.	335
Nov. 27 (491)	<i>From the Ambassador in Italy (tel.)</i> Information that Italian authorities gave visas to British consular officers transferred to Ethiopia stating that they would be treated as "distinguished visitors"; that without exequaturs they have no official status.	336
Nov. 28 (166)	<i>To the Ambassador in Italy (tel.)</i> Decision to assign Morris Hughes, recently at Tokyo, to Addis Ababa in consular capacity to replace present representation there; request for recommendations as to best procedure to be followed in making arrangements.	336
Nov. 30 (498)	<i>From the Ambassador in Italy (tel.)</i> Reply to Department's No. 166, November 28, after discussion with the Foreign Office.	337
Dec. 1 (167)	<i>To the Ambassador in Italy (tel.)</i> Instructions to advise Foreign Office of Hughes' assignment to Addis Ababa in consular capacity.	337
Dec. 2 (501)	<i>From the Ambassador in Italy (tel.)</i> Inquiry as to whether Foreign Minister Ciano is to be informed that Engert is to be transferred elsewhere.	338
Dec. 2 (170)	<i>To the Ambassador in Italy (tel.)</i> Authorization to say that it is Department's present intention to transfer Engert in the not distant future.	338
Dec. 3 (506)	<i>From the Ambassador in Italy (tel.)</i> Advice that Foreign Office has been informed in accordance with instructions; Ciano's desire to issue a statement (text printed), but will await Department's approval.	338
Dec. 3 (171)	<i>To the Ambassador in Italy (tel.)</i> Instructions to inform Ciano that transfer of Hughes is regarded as a purely routine administrative matter and that statement cannot be approved; and suggestions for explanation to Ciano of nature of action.	338

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X. CONSIDERATION BY THE UNITED STATES GOVERNMENT OF WITHDRAWING ITS REPRESENTATIVES FROM ETHIOPIA—continued

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1936 Dec. 8 (514)	<i>From the Ambassador in Italy (tel.)</i> Information of difficulty in connection with visa of Hughes' passport in that it gives his assignment as "to the Legation at Addis Ababa" instead of "to Addis Ababa," to which Italian authorities agreed.	339
Dec. 9 (176)	<i>To the Ambassador in Italy (tel.)</i> Solution of matter by issuance of new passport to Hughes as "Consul of the United States of America at Addis Ababa."	339
Dec. 9	<i>Memorandum by the Chief of the Division of Near Eastern Affairs</i> Inquiry by an official of the British Embassy as to U. S. plans for withdrawal of diplomatic representation at Addis Ababa; explanation of Hughes' assignment and emphasis on its non-political nature.	340
Dec. 24 (550)	<i>From the Ambassador in Italy (tel.)</i> Inquiry as to whether some announcement should be made that U. S. Legation at Addis Ababa will shortly be transformed into a consulate.	341
Dec. 28 (194)	<i>To the Ambassador in Italy (tel.)</i> Desire not to have any formal announcement at this time, but to have change in representation become known in a routine manner when Engert departs, probably toward the end of February.	341

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1935 Dec. 3 (42)	<i>From the Minister in Iran (tel.)</i> Receipt of strong representations from Iranian Government relative to alleged arrest, forcible detention, and arraignment of Minister Djalal on a charge of speeding, and request for suitable explanation.	342
Dec. 4 (33)	<i>To the Minister in Iran (tel.)</i> Instructions to inform Iranian Government that information desired should properly be sought through its representative in Washington.	342
Dec. 6	<i>To the Iranian Minister</i> Advice of apology from the Governor of Maryland and of action taken against the offending officers. Expression of regret over the incident, and explanation of U. S. attitude on the observance of laws of the country to which diplomatic officers are accredited.	342
Dec. 7	<i>Memorandum by the Chief of the Division of Near Eastern Affairs</i> Iranian Minister's expression of satisfaction with apologies, but concern over the impression conveyed in respect to his observance of the law of the country; his request that U. S. Legation in Iran be informed in this matter.	343

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1935 Dec. 12 (167)	<i>To the Minister in Iran</i> Transmittal of documents covering the entire history of the Minister's case for the Legation's files and of press release concerning the case, a copy of which may be furnished to the Foreign Minister.	345
1936 Jan. 2 (1)	<i>From the Minister in Iran (tel.)</i> Appearance of editorial in press taking exception to alleged undignified and frivolous manner in which the Djalal incident has been treated by the American press, and suggesting possible dissolving of the Legation in Washington.	345
Jan. 7 (2)	<i>From the Minister in Iran (tel.)</i> Advice of bitter press attacks upon U. S. Government for failure to obtain public retraction from American newspapers; suggestion that actual facts concerning arrest be furnished Legation. (Footnote: Information from Djalal that he is returning to Iran shortly under instructions, and that the First Secretary of Legation will act as Chargé.)	346
Jan. 7 (1)	<i>To the Minister in Iran (tel.)</i> Explanation that facts have been sent and should arrive shortly; instructions as to position to be taken if approached by the Iranian Government.	346
Jan. 20 (11)	<i>To the Chargé in the Soviet Union (tel.)</i> From Bullitt: Instructions to assure the Iranian Chargé of U. S. friendly sentiments toward the Shah and his Government, and to explain to him the nature of the American press treatment of the Djalal incident.	347
Jan. 21 (4)	<i>To the Minister in Iran (tel.)</i> Authorization to furnish Foreign Minister copies of the depositions in the Djalal case in order to dispel the Iranian Government's misgivings and misinterpretation of the affair.	348
Jan. 29 (11)	<i>From the Minister in Iran (tel.)</i> Satisfactory conference with Under Secretary for Foreign Affairs, who promised to recommend to the Council of Ministers that the matter now be regarded as closed; advice that the Foreign Office, however, still expects the depositions upon their arrival.	349
Feb. 1 (13)	<i>From the Minister in Iran (tel.)</i> Transmittal of depositions to the Foreign Office.	350
Mar. 14	<i>Memorandum by the Under Secretary of State</i> Conversation with the Iranian Chargé regarding a <i>New York Mirror</i> article referring to the Shah as a former stable hand.	350
Mar. 17	<i>Memorandum by the Chief of the Division of Near Eastern Affairs</i> Conversation with the Iranian Chargé in connection with threat of his Government to "revise their political relations with the United States" unless the latter took steps to cause the <i>Mirror</i> to retract its statement. Later discussion with representative of publisher.	351

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Date and number	Subject	Page
1936 Mar. 17	<i>Memorandum by the Under Secretary of State</i> Talk with Iranian Chargé, who was informed that although there was no legal basis for action against the <i>Mirror</i> , another approach was being used; but that this measure was not to be regarded as a precedent.	353
Mar. 19 (11)	<i>To the Chargé in Iran (tel.)</i> Résumé of the <i>Mirror</i> matter for the Chargé's information, and instructions not to initiate discussion of the matter in Teheran.	354
Mar. 26	<i>Memorandum by the Chief of the Division of Near Eastern Affairs</i> Receipt of information that the <i>Mirror</i> has published a correction; conversation with the Iranian Chargé, who expressed appreciation for the Department's assistance in the matter.	355
Mar. 26 (12)	<i>To the Chargé in Iran (tel.)</i> Transmittal of correction published in the <i>Mirror</i> (text printed).	355
Mar. 29 (26)	<i>From the Chargé in Iran (tel.)</i> Information that Iranian Government has recalled all its representatives in the United States because of dissatisfaction with the <i>Mirror</i> correction.	356
Mar. 30 (15)	<i>To the Chargé in Iran (tel.)</i> Description of circumstances surrounding the closing of the Iranian Legation and Chargé's departure; instructions to ascertain informally if the Shah would receive a special envoy.	356
Mar. 30 (27)	<i>From the Chargé in Iran (tel.)</i> Comments on action of Iran, and opinion that if U. S. representatives in Iran are not withdrawn, it is possible they will later be sent out by the Iranian Government.	357
Mar. 31	<i>Memorandum by the Chief of the Division of Near Eastern Affairs</i> Information from the Iranian Chargé that closing of Iranian Legation would not in any way affect status of U. S. Legation in Teheran; conclusion that action of Iran cannot be regarded as severance of diplomatic relations.	358
Apr. 6	<i>Memorandum by the Secretary of State</i> Information from the Turkish Ambassador that the Iranian Government had requested the Turkish Government to take over the interests of Iran in the United States.	358
Apr. 6 (30)	<i>From the Chargé in Iran (tel.)</i> Favorable attitude of two officials of the Foreign Office in respect to a special envoy.	359
Apr. 16 (31)	<i>From the Chargé in Iran (tel.)</i> Foreign Minister's favorable reception of idea of U. S. special mission, but desire for further information on four points.	359
Apr. 24	<i>Memorandum by the Assistant Chief of the Division of Near Eastern Affairs</i> Notification from the Turkish Embassy that Turkish Consul in New York and Czech Consul in Chicago will perform consular duties on behalf of Iranian Government.	360

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Date and number	Subject	Page
1936 Apr. 30 (22)	<i>To the Chargé in Iran (tel.)</i> Abandonment of proposed special mission in view of a suggestion by the former Iranian Foreign Minister, Kazemi, to U. S. Minister Hornibrook that steps be taken to amend the U. S. Constitution so as to restrict the freedom of the press.	361
May 9 (33)	<i>From the Chargé in Iran (tel.)</i> Discussion of Foreign Office disappointment over U. S. decision not to send a special mission; suggestion that it would be useful to explain decision on basis of partial misunderstanding of Kazemi's suggestion.	361
May 15 (24)	<i>To the Chargé in Iran (tel.)</i> Instructions to impress on Foreign Office that there was no misunderstanding of Kazemi's suggestion.	363
May 17 (34)	<i>From the Chargé in Iran (tel.)</i> Conversation with Chief of the Third Political Division, who stated that unless American press articles offensive to the Shah cease at once, Iran would sever all diplomatic and economic relations with the United States; observations on matter of special mission.	364
May 18 (25)	<i>To the Chargé in Iran (tel.)</i> Instructions to request of the Foreign Minister a written statement of the Government's position on the oral statement made by the Chief of the Third Political Division.	365
May 19 (35)	<i>From the Chargé in Iran (tel.)</i> Foreign Minister's hesitancy about stating Government's position in writing, but promise to consider the matter.	365
May 20 (26)	<i>To the Chargé in Iran (tel.)</i> Desire that Chargé send a personal letter (text printed) to the Foreign Minister requesting a written statement of his Government's intentions; reasons for suggesting this method of communication.	366
May 21 (36)	<i>From the Chargé in Iran (tel.)</i> Delivery of personal letter to Foreign Minister.	366
June 9 (41)	<i>From the Chargé in Iran (tel.)</i> Iranian decision not to state position in writing.	367
July 25 (860)	<i>From the Chargé in Iran</i> Account of a lengthy conversation with Under Secretary of State for Foreign Affairs Soheily, who made representations regarding an article in the <i>Brooklyn Eagle</i> , and requested that Department make an investigation to determine cause of such derogatory remarks.	367
July 29	<i>From Mr. William H. Hornibrook to the Chargé in Iran</i> Detailed account of the conversation with Kazemi on the eve of Minister Hornibrook's departure from Iran during which the former suggested U. S. Constitutional changes.	371
Aug. 7 (48)	<i>From the Chargé in Iran (tel.)</i> Advice of recent floods and earthquakes; suggestion that a direct telegram of sympathy be sent from the President to the Shah.	373

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Date and number	Subject	Page
1936 Aug. 8 (34)	<i>To the Chargé in Iran (tel.)</i> Message sent by the President to the Shah (text printed). Advice that the Turkish Ambassador has suggested to his Government that the Turkish Ambassador in Teheran be authorized to explain informally to the Shah the U. S. situation respecting freedom of the press.	373
Sept. 14 (255)	<i>To the Chargé in Iran</i> Reply to despatch No. 860 of July 25, with assurances to be conveyed to Under Secretary Soheily that no agencies are working in this country to weaken U. S.-Iranian ties of friendship.	374

INQUIRIES BY THE UNITED STATES REGARDING THE NONDELIVERY OF SECOND CLASS MAIL FROM THE UNITED STATES IN IRAN

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TURKEY

CONFERENCE AT MONTREUX FOR REVISION OF THE REGIME OF THE STRAITS,
JUNE 22-JULY 20, 1936. ASSURANCE BY TURKEY OF AMERICAN PARTICIPATION
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AFGHANISTAN

PROVISIONAL AGREEMENT REGARDING FRIENDSHIP, DIPLOMATIC AND CONSULAR REPRESENTATION BETWEEN THE UNITED STATES AND AFGHANISTAN, SIGNED AT PARIS, MARCH 26, 1936¹

711.90H/41

The Secretary of State to the Chargé in France (Marriner)

No. 1198

WASHINGTON, February 13, 1936.

SIR: The receipt is acknowledged of your telegram No. 984 of November 22, 1:00 p.m.,² and your dispatch No. 2326 of November 23, 1935,³ reporting that the Afghan Minister at Paris had handed a note to the Embassy omitting the guarantee of immediate and unconditional most-favored-nation treatment in the proposed commercial agreement between the United States and Afghanistan.

You are requested to inform the Afghan Minister at Paris that this Government appreciates the sincere efforts of the Government of Afghanistan to arrive at a common understanding with respect to a commercial agreement. It is with deep regret that this Government finds that circumstances do not permit the Afghan Government to enter into an agreement providing for unconditional most-favored-nation treatment. The Government of the United States is so firmly committed to this principle as a basis of commercial relations that it cannot deviate from it.

It is suggested that you advise the Afghan Minister verbally that Afghan goods entering the United States are, in fact, treated on a plane of equality with the goods of the most favored nation, and this Government understands that American goods are similarly treated in Afghanistan. You may further advise the Minister that so long as American goods continue to enjoy most-favored-nation treatment in Afghanistan, similar treatment will continue to be extended to Afghan goods in the United States. You may point out that in the circumstances there would appear to be no prejudice to the commercial relations between the United States and Afghanistan notwithstanding that it has not been found possible to conclude a formal understanding on this point.

¹ For previous correspondence, see *Foreign Relations*, 1935, vol. I, pp. 555 ff.

² *Ibid.*, p. 563.

³ Not printed.

As regards the possible continuance of negotiations, as suggested by the Afghan Minister, it may be observed that, although the elimination of the unconditional most-favored-nation clause from the agreement greatly lessens the interest of this Government in such an accord as might be reached on other matters, it is realized that the Afghans might regard even a very formalistic agreement as desirable and view a complete breakdown of negotiations with disappointment. You are authorized, therefore, in conveying the content of the preceding section of this instruction to the Afghan Minister to suggest that, despite failure to arrive at a complete accord, we should be prepared to give favorable consideration to an agreement relating to friendship and diplomatic and consular representation, which as a matter of fact appear to have been the two points in which the Afghans were particularly interested at the outset. The Department would emphasize in this connection the desirability of assuring yourself informally that such an agreement would be acceptable before proposing it formally.

You will note that juridical protection is not mentioned as a matter upon which this Government suggests further negotiation. For your confidential information in this connection it may be observed that this omission has been made in view of the interpretation which might be placed on that part of Article III ⁴ which prescribes that Afghan subjects in this country shall "be received and treated in accordance with the requirements and practices of generally recognized international law" and "shall not be treated in regard to their persons, property, rights and interests, in any manner less favorable than the nationals of any other country". The point at issue here is that Afghans are ineligible for American citizenship and under the provisions of Section 13 (c) of the Immigration Act of 1924 ⁵ may not be granted visas except in certain specific cases. Although the right of this country to prescribe such restrictions by the exercise of the right of sovereignty could not be questioned, it would seem that an agreement based unqualifiedly on the principles of international law and most-favored-nation treatment would hardly be held to be compatible with discriminatory restrictions on the nationals of one of the contracting parties.

The immigration angle of this situation would appear to have been covered adequately by Article IV ⁶ which provided that the agreement should not affect existing statutes in either country regarding immigration. No comparable reservation was made, however, re

⁴ The articles refer to the original draft agreement submitted as an enclosure to Department's instruction No. 692, January 2, 1935, *Foreign Relations*, 1935, vol. I, p. 556.

⁵ 43 Stat. 162.

⁶ Reference should be to article V of the original draft.

garding possible restrictions to which Afghans in this country might be subject as a result of their ineligibility to American citizenship, such as, for example, limitations on the holding of property which prevail in certain states. It is obvious, of course, that this problem may be largely theoretical but, on the other hand, the Department would not want to be placed in the position of seeming to grant, even by implication, a right to Afghans not enjoyed by other persons ineligible to citizenship.

It has been suggested that Article III might be modified so as to eliminate the possible danger of such misinterpretation by employing some such wording as the following:

“Subjects of His Majesty . . .⁷ and nationals of the United States . . . shall receive the most constant protection and security of their persons and property.”

The only objection to such a revision of the article in question is that the Afghans would almost surely desire to be informed why such a change was being made after they had agreed to accept the text originally proposed by us. This in turn would lead almost inevitably to the introduction of the ineligibility question, which for obvious reasons it would seem desirable to avoid.

An additional argument that might be presented to the Afghan representative in favor of dropping Article III of the proposed agreement is the following one. That article provides for most-favored-nation treatment with regard to the treatment of the nationals of each contracting party in the territory of the other. You could state that since Afghanistan is unable to proceed with respect to most-favored-nation treatment in customs matters it appears to your Government desirable to omit all reference to such treatment in regard to nationals other than consular officers. On the whole the Department is of the opinion that it would probably be preferable to endeavor to have the Afghan Government forego Article III rather than to endeavor to explain to it why it should have to be altered. However, should your discussion of this matter with the Afghan Minister lead you to a contrary opinion, the Department would be willing to include a revised Article III in the proposed agreement. The Department encloses a proposed draft agreement ⁸ in the sense of the foregoing.

Very truly yours,

For the Secretary of State:
WILLIAM PHILLIPS

⁷ Omissions indicated in the original.

⁸ Revised draft not printed.

711.90H/48

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

No. 2570

PARIS, February 26, 1936.

[Received March 7.]

SIR: I have the honor to acknowledge the receipt of the Department's Instruction No. 1198 of February 13, 1936, (File No. 711.90H/41), with regard to the proposed agreement with Afghanistan. The Department's views concerning this matter have been carefully noted, and yesterday morning Mr. Marriner, Counselor of the Embassy, conveyed orally to the Afghan Chargé d'Affaires⁹ the viewpoint of the Department and handed to him an English and unofficial French text of the articles of the proposed treaty. A memorandum covering the pertinent portions of their conversation is transmitted herewith.

In accordance with the Department's telegraphic Instruction No. 49, February 24, 3 P.M.,¹⁰ the Embassy forwarded by air mail on February 25 to the American Ambassador in Moscow copies of the Department's Instructions, with enclosures, mentioned therein, together with a copy of the memorandum of Mr. Marriner's conversation with the Afghan Chargé d'Affaires on February 25.

Respectfully yours,

JESSE ISIDOR STRAUS

[Enclosure]

Memorandum by the Counselor of Embassy in France (Marriner)

PARIS, February 25, 1936.

The Afghan Chargé d'Affaires called this morning by appointment and I handed to him the text of the "Agreement between the United States of America and the Kingdom of Afghanistan in regard to Friendship, Diplomatic and Consular Representation" in accordance with the Department's Instruction No. 1198 of February 13, 1936.

I told him that my Government had given a most serious study to the questions that the negotiations had thus far raised and had come to the decision that the sole way of bringing about some form of agreement, so desirable for the foundation of good relations between our two countries, seemed to be the omission of all controversial articles where the mention of most-favored-nation treatment had been included in the original drafts.

The Chargé d'Affaires was in thorough agreement and read through the French text as proposed.

⁹ Islam-bek-Khoudolar-Khan.¹⁰ Not printed.

I pointed out to him that there were no textual changes as compared with the articles on the same subjects in the text which had previously been discussed. In other words: the text now before him had been approved, the only changes being in the numbering of the articles, due to the omission of the articles with reference to most-favored-nation treatment.

He said that he would immediately bring the matter before his Government. He said that unfortunately his Minister was on leave in Afghanistan and would not be back before the month of June.

I replied that I regretted that very much as the Senate of the United States would probably be on vacation at that time and due to the activities of the presidential campaign would not in all probability meet until late in the fall and therefore ratification by it, which he realized was a necessary procedure, would have to be put off, and that the matter, which had thus far been of long duration, would be still further delayed, and that I hoped he would put this up to his Government. I added that it might be possible for him to obtain full powers for signature, or if that was impossible, perhaps one of the Afghan Ministers in Europe could come to Paris for that purpose as Mr. Straus was already furnished with full powers. I added that in any case we would like an answer in principle as soon as possible as to whether this text was acceptable.

As he did not raise the question, I did not mention anything whatever with regard to the optional article, (No. III in the Department's Instruction), but numbered the Articles I to IV in accordance with the attached text.¹¹

When the Chargé d'Affaires left, he thanked me very much for the efforts made to attain an agreement and to get around the difficulties presented by their national point of view, and expressed every hope of success of obtaining consent to the signature of the present Agreement.

THEODORE MARRINER

711.90H/49 : Telegram

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

PARIS, March 10, 1936—noon.
[Received March 10—9:40 a.m.]

182. Referring to Department's instruction No. 1198, February 13th, 1936, the Afghan Chargé today informed Marriner that his Government was in accord for the signature of the proposed treaty. As the

¹¹ Not printed; it was the same as the final text of the agreement except for a few minor changes in the last article.

Afghan full powers are made out in the name of the Afghan Minister to France, now on leave, new full powers are being sent either in the name of the Chargé d'Affaires here or the Afghan Minister in London.

Unless otherwise instructed by the Department, original text of treaty in English with French translation and number of article will be the same as enclosure¹² to my despatch No. 2570, February 26, 1936.

Cipher text by mail to Moscow.

STRAUS

711.90H/52 : Telegram

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

WASHINGTON, March 23, 1936—4 p.m.

98. Your telegrams No. 182, March 10, noon, and No. 227, March 16, 7:00 p.m.¹³ You are authorized, upon the arrival of the full powers of the Afghan representative, to proceed to signature of the Agreement submitted with your despatch No. 2570 of February 26, 1936.

Presuming that the Afghan Government still desires to sign in English and French as stated in your telegram No. 863, October 7, 6:00 p.m.,¹⁴ the phrase "in the English and French languages, both texts having equal validity", should be inserted after the word "duplicate" in Article IV. The French text submitted is approved subject to literal translation of "by general international usage" in Article II.

With reference to the memorandum transmitted with your despatch No. 2570 the Department desires to point out that the instrument of which signature is proposed is an executive agreement, not a treaty, and that ratification by the Senate is not required. In this connection, the word "provisional" should be inserted to precede the word "agreement" in the title.

Please send copies of your telegrams under reference and this reply by pouch to the Embassy at Moscow.

HULL

¹² Not printed.

¹³ Latter not printed.

¹⁴ *Foreign Relations*, 1935, vol. I, p. 561.

711.90H/54 : Telegram

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

PARIS, March 26, 1936—noon.

[Received March 26—9 a.m.]

257. Department's 98, March 23, 4 p.m. With textual alterations suggested by Department provisional agreement with Afghanistan was signed by Ali Mohammed Khan, Minister of the Kingdom of Afghanistan in London, and me at the Chancery this morning at 11 o'clock.

The signed instrument will be forwarded by next pouch.

Repeat to Moscow.

STRAUS

[For text of the agreement, see Department of State Executive Agreement Series No. 88, or 49 Stat. 3873.]

EGYPT

DISCUSSIONS BETWEEN THE UNITED STATES AND EGYPT REGARDING TRADE AGREEMENTS PROGRAM

611.8331/75

*Memorandum by the Chief of the Division of Trade Agreements
(Grady)*

[WASHINGTON,] January 16, 1936.

The Egyptian Minister¹ called to inquire as to the prospects of a trade agreement with Egypt, and I explained that the situation had not changed particularly since I last talked with him. I repeated what I had said to him some months ago, that we were desirous of completing a number of the agreements now pending before considering additional countries. I said that we were interested in agreements with all countries but that we could not take up actively the matter of a trade agreement with Egypt at the moment although this did not indicate any lack of interest on our part in the matter.

He was rather insistent in pressing for some indication of when the matter might be taken up and I stated that this would depend a good deal on our success in closing pending agreements and on our appraisal of the general agricultural situation when that has been done. He inquired about the Spanish agreement and I told him that it was not yet ready for signature though we were hoping for fairly early consummation.

HENRY F. GRADY

611.8331/76

*Memorandum by the Assistant Chief of the Division of Near Eastern
Affairs (Alling)*

[WASHINGTON,] February 3, 1936.

The Egyptian Minister called on Mr. Sayre² today and said that he was interested in furthering the idea of closer commercial and agricultural relations between the two countries. As evidence of the interest of the Egyptian Government in the growth of commercial relations he pointed out that at the time of his appointment as Egyptian Minister the King of Egypt had issued a statement favoring an increase in such relations. Soon thereafter the then Prime Minister, Nessim Pasha, had granted an interview to the United Press

¹ Mohamed Amine Youssef.

² Francis B. Sayre, Assistant Secretary of State.

further elaborating upon this idea. Now, the Minister stated, his Government was showing a further interest by appointing to Washington an Agricultural Attaché who had arrived yesterday.

The Minister pointed out that up to the present all of these gestures have come from the Egyptian side and he stated that he was afraid, unless the American Government responded in kind, that the Egyptians might feel their advances were being repulsed. He thereupon intimated that a public statement expressing the interest of this Government in increasing its commercial relations with Egypt would be most encouraging to the Egyptian Government and people.

Mr. Sayre pointed out that it was contrary to our practice to issue such statements and furthermore it was essential to bear in mind that the issuance of such a statement at the present time might hinder rather than help accomplish the purposes which both he and the Minister had in mind. In this connection Mr. Sayre stated that it was most essential to avoid giving any impression that a trade agreement with Egypt was likely of accomplishment in the near future since it was apparent that such an agreement was out of the question during the next few months. Mr. Sayre added that he did not wish either the Egyptian Government or people or the American people to gain a contrary impression.

The Minister then stated that he proposed to write a letter to the Secretary informing him of the appointment of an Agricultural Attaché and reviewing the various statements referred to above which had been issued by Egyptian officials. He said it would be most helpful and encouraging if in reply the Secretary could express his own interest in furthering American-Egyptian trade. Mr. Sayre assured the Minister that the Department would be pleased to have his views in this matter and that consideration would be given to preparing an appropriate answer. In reply to a query of the Minister as to whether the American Legation in Cairo could not express its interest in furthering American-Egyptian commercial relations, Mr. Sayre pointed out that this would be impossible since if such action were taken in one case it would be necessary to take similar steps with reference to numerous other countries.

600.0031 World Program/26

The Minister in Egypt (Fish) to the Secretary of State

CAIRO, May 19, 1936.

[Received June 11.]

DEAR MR. SECRETARY: I have been carefully considering since its receipt your instruction No. 155 of March 11th, 1936,³ setting forth

³ See instruction No. 1231, March 11, 1936, to the Ambassador in France, and bracketed note immediately following, vol. I, p. 486.

in such an illuminating and far-sighted manner the principles fundamental to the normal restoration of the international finance and commerce of the world.

I did not immediately make known your views to the Egyptian Minister for Foreign Affairs because I had some doubt whether, in view of the particular situation obtaining locally, it would not be wiser to defer their presentation to the Egyptian authorities at this particular time.

In consequence of the death of the King, the elections and the imminence of a change of cabinet when your instruction was received, I thought in any case that it would be a better plan to defer the presentation of the general purposes of our Government as outlined in your memorandum until a new cabinet was formed. The more I have considered this, however, now that a new cabinet is in office with prospects of a long tenure, the more persuaded I am that I should communicate with you and present my point of view before proceeding further in the matter with the Egyptian Government.

As you are aware the economic policies pursued by Egypt are to a certain extent influenced by Great Britain and this has been particularly evidenced in the large number of measures which have been adopted by the Egyptian Government on the basis of suggestions made by interested British authorities to the Egyptian Economic Mission which visited Great Britain in 1935. By reason of Great Britain's special position in Egypt this country is unable to pursue a wholly independent international economic policy.

Moreover, from my conversations with you when on leave in 1934 and in 1935 and from my conversations and communications with the Near East Division I have gathered that the Department is not disposed to encourage Egypt at this time in the conclusion of a trade agreement with the United States. I understand that this attitude is taken for the reason that there are no comparable advantages which Egypt would be able to offer us in return for the reduction of the duty on long staple cotton which forms the chief item of Egyptian exports to the United States and is, as you know, the principal source of Egyptian wealth.

The copy of a memorandum, forwarded with despatch No. 147 under date of December 27, 1935,⁴ setting forth a conversation held on December 12th, 1935, between the Egyptian Minister and the Assistant Chief of the Division of Trade Agreements⁵ regarding the

⁴ Not printed.

⁵ Henry L. Deimel, Jr.

negotiation of a trade agreement between the United States and Egypt, was interpreted by me to confirm the views hereinabove expressed.

Inasmuch, therefore, as Egypt does not possess at the present time the possibility of initiating an independent international economic policy and since my discussion of the principles underlying your program for world recovery would, I fear, only serve to provoke the Egyptian Government into raising actively the question of the conclusion of a trade agreement with the United States, it seemed wise to me to defer the presentation of the statement proposed in your instruction of March 11, 1936, until I might communicate with you and learn your views in the light of this statement of the special situation obtaining in Cairo. Further, it did not appear to me that the short delay thus entailed could be harmful.

I might add that Egypt has not instituted any quota or clearing arrangements with other countries, imposes no restrictions on the export of exchange and I do not anticipate that in the present healthy state of Egyptian foreign trade and of Egyptian finances that resort will be had to such practices to the detriment of our trade.

Should you, notwithstanding the foregoing considerations, desire me to comply with your instruction I shall be pleased to proceed promptly to do so upon hearing from you to that effect.

Respectfully yours,

BERT FISH

611.8331/84

*Memorandum by the Chief of the Division of Trade Agreements
(Grady)*

[WASHINGTON,] June 10, 1936.

The Egyptian Minister called, saying he had done so at the suggestion of Mr. Phillips.* He announced that he was shortly leaving for his holiday and wished to ascertain what he might say to his Government regarding the prospects of an Egyptian agreement. He has on a number of occasions discussed this matter with me and there was nothing I could add to what I had told him before. He assumed that the approach of the elections would make unlikely the announcement of new countries with whom negotiations would be undertaken and I did not deny that his assumption might be correct. But what he wished to know particularly was our plans after the election. I said that we were working energetically on the program and would continue to do so and that, while there might not be many announcements as to countries in the immediate future, a great deal of work was being done

* William Phillips, Under Secretary of State.

in the preparation of trade agreement material in the various Departments of the Government. I said that we had considerable data on Egypt and that, while I could not advise him as to the precise date when an agreement might be announced, I would recommend that he ask his Government to prepare data so that when the time arrives, which I hope would be not too far distant, the consummation of an agreement would be expedited.

He wished me to give him for his confidential information some of our data that we have gathered together in regard to long-staple cotton. I explained that we could not very well give him confidential departmental material, but that if he would write us a letter, I would gather from the Bureau of Agricultural Economics of the Department of Agriculture as complete data on long-staple cotton as is available. He then asked that I give him informally a list of the things we would seek from Egypt that he might take back with him. He said that it was important that he have this as the new Egyptian Government was contemplating trade agreements with various countries and, as "a friend of America", he wanted to be sure that nothing was done that would prejudice our trade interests in Egypt. I explained that we were not yet prepared to give him our desiderata but said that he and his Government could rather easily determine what our interests would be in a trade agreement from a glance at the trade figures of four or five years ago.

It was quite evident that he wished to go back to Egypt with something as a basis for indicating that he had started negotiations here. Although I gave him every encouragement I could without absolute commitments, I did not go beyond that point. I trust that he will not indicate to his Government that even preliminary negotiations have been started.

HENRY F. GRADY

INSISTENCE BY THE UNITED STATES ON ITS RIGHT TO NOMINATE
JUDGES FOR APPOINTMENT TO THE MIXED COURTS IN EGYPT¹

883.0513/137: Telegram (part air)

The Minister in Egypt (Fish) to the Secretary of State

CAIRO, June 17, 1936—6 p.m.

[Received June 22—6:15 a.m.]

33. My despatch No. 661 of May 28th.² Judge Crabitès submitted his resignation today as a member of the Mixed Court to the Egyptian authorities. Resignation effective November 1st, next.

FISH

¹ For previous correspondence regarding the appointment of an American judge to the Mixed Courts of Egypt, see *Foreign Relations*, 1929, vol. II, pp. 936 ff.

² Not printed.

883.0513/139 : Telegram

The Minister in Egypt (Fish) to the Secretary of State

CAIRO, June 23, 1936—5 p.m.

[Received June 23—3 p.m.]

35. My telegram No. 33, June 17, 6 p. m. Acting Judicial Adviser Payne informed me today that in a conversation with the Minister of Justice the latter had stated that in selecting an American successor to Judge Crabitès the Egyptian Government might revert to the procedure followed before 1910 when the candidate was selected on the initiative of the Egyptian Government and the name submitted to the interested governments for approval. Payne added that in the case of the last judge appointed, a Belgian, to fill a temporary vacancy created by the assignment of a Belgian judge to the Code Commission for 2 years, the Egyptian Government followed the procedure now suggested but in his opinion this did not necessarily establish a precedent as the Belgian appointment was not a substantive one.

Payne stated that before formulating the attitude of the Judicial Adviser's office to the suggestion of the Egyptian Minister he desired to obtain my reaction to the proposed procedure. While the exact procedure is not fixed in the charter of the Mixed Courts, article 5 thereof indubitably establishes the right of the government of the appointee to approve the appointment (see page 370 [371] of Brinton's Mixed Courts⁹).

Please instruct by telegraph.

FISH

883.0513/139 : Telegram

The Acting Secretary of State to the Minister in Egypt (Fish)

WASHINGTON, June 25, 1936—noon.

19. Your 35, June 23, 5 p. m. The Department would look with disfavor upon the proposed change with respect to the nomination of judges and desires you to use your best endeavors informally to obtain a continuance of the practice consistently followed in recent years and used, with respect to American appointments at least, on several occasions prior to 1910.

Appointment of candidates by the Egyptian Government would obviously restrict the possibility of obtaining suitable persons and might place the President in the somewhat embarrassing position of being obliged to disapprove a nomination.

PHILLIPS

⁹Jasper Yeates Brinton, *The Mixed Courts of Egypt* (New Haven, Yale University Press, 1930).

883.0513/167

The Minister in Egypt (Fish) to the Secretary of State

[Extract]

No. 701

CAIRO, June 29, 1936.

[Received July 22.]

SIR: I have the honor to refer to the Legation's telegram No. 35 of June 23, 5 p.m., 1936, and the Department's telegram No. 19 of June 25, 12 noon, 1936, in reply thereto, and to inform the Department that on Saturday morning, June 27th, I again called on the Acting Judicial Adviser, Mr. Payne, and informally advised him that my Government would view with disfavor any change in the procedure heretofore followed in the matter of the appointment of a successor to Judge Crabitès.

In a conversation I had with Judge Booth, the Judicial Adviser, before his departure from Egypt on leave, the matter of a successor to Judge Crabitès, who at that time had not resigned, was casually discussed. Judge Booth stated that he was only interested in getting a competent successor and trusted that the nominee suggested by our Government would not be a "politician". He also referred to the fact that Judge Julian M. Wright, American judge of the Mixed Courts of First Instance at Cairo, had strongly recommended the appointment of a Mr. Hill¹⁰ (I believe I quote the name correctly) now practicing law in Paris.

I have called the Judicial Adviser's attention to the fact that the recent appointment in the case of the Belgian judge was only temporary and that, as a matter of fact, the Belgian judge who had resigned to accept a position on the Commission to revise the Civil and Commercial Egyptian Code (See my despatch No. 560 of March 19, 1936¹¹), had already been restored to his position as a judge in the Mixed Courts so recently resigned by him; that this fact shows it was purely temporary and that the man selected to fill the vacancy, although appointed for life, resigned the instant his resignation was desired.

I further called the attention of the Acting Judicial Adviser to the fact that recently a Greek judge had been appointed to the Mixed Courts, and the procedure upon which my Government insists had been followed.

The Acting Judicial Adviser assured me that he would do his utmost—and I believe that he will—to see that our contention prevails. I have, however, indicated to him that in the event he fails I have in mind to present the matter informally directly to the Egyptian authorities.

¹⁰ Lovering Hill.

¹¹ Not printed.

Sir Miles Lampson, the High Commissioner, is returning to Cairo tomorrow morning and it is quite possible that if the treaty negotiations are to be continued for an extended period the Egyptian Government may procrastinate in this matter of the appointment of an American judge. On the other hand, if the treaty negotiations proceed quickly and favorably for the Egyptians we will, in all probability, receive a quick response.

Of course the Department will be promptly advised by telegram from time to time, and the purpose of this despatch is to acquaint the Department more in detail with the situation as I perceive it to exist at this date.

Respectfully yours,

BERT FISH

883.0513/163 : Telegram

The Minister in Egypt (Fish) to the Secretary of State

CAIRO, July 8, 1936—noon.

[Received 1:50 p.m.]

40. Department's telegram No. 20.¹² Acting Judicial Adviser Payne today suggested to me that the selection of an American successor to Judge Crabitès be deferred until the Judicial Adviser Judge Booth returns to Egypt the latter part of August or the early part of September. Payne informs me that the Ministry of Justice is divided in its opinion as to the procedure to be followed but that the matter has not been submitted to the Council of Ministers. Bedaoui Pasha¹³ is opposed to our contention.

Preoccupation with treaty negotiations and Parliament tends to minimize other matters at the present time. Before Judge Booth returns Parliament will probably have adjourned and the treaty negotiations may have become less pressing. The Mixed Courts are now on vacation and I believe that our interests will not suffer because of the delay.

Please instruct by telegraph.

FISH

883.0513/163 : Telegram

The Secretary of State to the Minister in Egypt (Fish)

WASHINGTON, July 9, 1936—5 p.m.

25. Your 40, July 8, noon. The Department is disposed to refrain from pressing the matter at this time provided the entire question can

¹² Dated June 27, 1 p.m.; not printed.

¹³ Chief Legal Adviser to the Egyptian Government.

be held in abeyance until Judge Booth's return. However, if the question is likely to be presented to the Council of Ministers for a decision in the near future the Department would desire to submit this Government's views in order that they may be considered by the Council.

HULL

883.0513/173 : Telegram

The Chargé in Egypt (Hall) to the Secretary of State

CAIRO, September 25, 1936—noon.
[Received September 25—9:23 a.m.]

53. Department's telegram No. 25, July 9, 5 p. m. Judge Booth called at the Legation today and stated that the Minister of Justice is strongly opposed to requesting from the United States a list of candidates for vacancy in Mixed Courts and also desires to appoint Mr. Hill. I replied in the sense of the Department's telegram No. 19.

Booth next suggested that he could probably arrange for Egyptian Government to receive a list of nominees provided he was unofficially assured that Hill's name would be included and especially if the Department would accept his request for such a list in lieu of a formal request through Foreign Office. However, as a last resort and if assured of inclusion of Hill he would endeavor to have a formal request made.

He added that most careful consideration would be given to the qualifications of any other candidates suggested.

HALL

883.0513/174 : Telegram

The Chargé in Egypt (Hall) to the Secretary of State

CAIRO, September 28, 1936—noon.
[Received 12:50 p.m.]

55. My telegram No. 53, September 25, noon. Booth now informs me that the Minister of Justice is unwilling to make formal request for list of candidates and even objects to informal request from Booth followed by formal reply; Minister of Justice states he cannot alter position without consulting Prime Minister. The Prime Minister returns to Egypt October 12th. Minister of Justice has expressed to Booth a desire to see me and may verbally request list of candidates.

After stating on the 25th that the question of the American judge going to Mansourah would not arise, Booth now states he and the

Minister of Justice believe this question should be left to the President of the Court of Appeals and hope American Government will not object.

I believe Egyptian position unwarranted. Will take no action whatever pending Department's instruction.

HALL

883.0513/174 : Telegram

The Secretary of State to the Chargé in Egypt (Hall)

WASHINGTON, September 30, 1936—5 p.m.

37. Your 53, September 25, noon, and 55, September 28, noon. The position of this Government with respect to its right to nominate American judges was made perfectly clear in the note quoted in telegram 10, February 24, 1920,¹⁴ and by the earlier notes referred to therein. This Government cannot admit the introduction of a new practice at this late date, particularly in view of the fact that the old practice of receiving nominations from foreign governments has been followed as recently as the present year. (See paragraph 7,¹⁵ Legation's despatch 701, June 29, 1936.)

On the other hand, the Department is not disposed to insist that the Egyptian Government make a formal request for this Government's nominations. An informal request for such nominations from the Minister of Justice, to be answered likewise informally, would be acceptable. Obviously this Government is interested quite as much as the Egyptian Government in seeing that a suitable candidate is appointed and naturally any list of candidates submitted would include only those who are properly qualified. However, the Department cannot agree, even informally and unofficially, to include in such a list any particular name or names.

As for the appointment of Judge Crabitès' successor to Mansourah, the Department has not altered its position as set forth in telegram 46, October 30, 1929.¹⁶

The Department does not attach particular importance to the immediate appointment of a new judge and does not desire you to press for

¹⁴ Not printed. In this telegram to the American Agent and Consul General at Cairo, the Department quoted the text of a note to the British Embassy dated February 24, 1920, which note reiterated the American position with regard to appointment of American members to the Mixed Tribunals as follows: "this Government cannot admit that the right to nominate American judges for the Mixed Courts belongs to other than this Government." The Agent was instructed "to bring this matter to the attention of the proper authorities." (883.05/144)

¹⁵ The paragraph beginning "I further called the attention . . .", p. 14.

¹⁶ Not printed. In this telegram the Department instructed the Minister in Egypt that "every effort should be made to insure that the proposed appointment be made to Cairo or Alexandria." (883.05/343)

such an appointment at this time. However, if Judge Booth or the Minister of Justice should again bring up the matter you should explain in a most definite manner this Government's attitude as set forth in the preceding paragraphs.

In any such discussion you may also express the personal opinion that at the forthcoming negotiations concerning the termination of the capitulatory régime the attitude of this Government cannot help but be favorably influenced by any good will which the Egyptian Government may show in connection with the appointment under discussion.

HULL

883.0513/175 : Telegram

The Chargé in Egypt (Childs) to the Secretary of State

CAIRO, October 19, 1936—1 p.m.
[Received October 19—8:55 a.m.]

58. Department's telegram No. 37, September 30, 5 p.m. The position of the Department having been set forth to the Judicial Adviser last week upon request it was decided that I should see the Minister of Justice this morning. The latter stated that the Egyptian Government would appreciate receiving either verbally or in writing at the earliest convenience of the American Government the name or names of candidates for the post as Judge of the Mixed Courts made vacant by Crabitès' retirement. It was added that the Egyptian Government was completely assured regarding the suitability of those whom the American Government might propose. The Egyptian Government would be pleased to receive the names of nominees as soon as possible but it is suggested that the Department may find it desirable to await my air despatch No. 800 of October 15th.¹⁷

CHILDS

883.0513/179 : Telegram

The Chargé in Egypt (Childs) to the Secretary of State

CAIRO, November 21, 1936—1 p.m.
[Received November 21—10:30 a.m.]

65. Legation's telegram No. 58, October 19, 1 p.m. Ministry of Justice informs the Legation that the Egyptian Government desires to receive at earliest possible date nominations for an American judge on the Mixed Court to replace Crabitès. Urgency due to the desire of Egyptian Government to conclude appointment before the matter

¹⁷ Not printed.

of the future of the Mixed Court is taken up and also to the need of the courts for an additional judge to relieve the pressure of current work.

From authoritative informal information I understand there will be no difficulty in our obtaining a fifth seat incident to the reorganization of the Mixed Courts and the expected creation of seven new seats, including three new counsellors who will in all probability be promoted from the ranks of existing judges.

In view of this I urge that nominations for the Crabitès vacancy be made as soon as possible.

CHILDS

883.0513/180 : Telegram

The Minister in Egypt (Fish) to the Secretary of State

CAIRO, November 27, 1936—1 p.m.

[Received November 27—11:50 a.m.]

67. Legation's telegram No. 65. I would appreciate some indication from the Department as to when reply may be forthcoming as it is desirable, now that I am again in Egypt, for me to be able to give the Egyptian authorities some assurances on the subject.

FISH

883.0513/180 : Telegram

The Acting Secretary of State to the Minister in Egypt (Fish)

WASHINGTON, November 27, 1936—5 p.m.

43. Your 67, November 27, 1 p.m. Department is still corresponding with possible candidates and hopes to submit list in near future, possibly next week.

In the event Hill is not included in list of candidates, do you consider that Egyptian authorities are likely to put forward his name as counterproposal, as intimated by Judge Booth (see page 5, Legation's despatch 800, October 15¹⁸) ?

MOORE

883.0513/181 : Telegram

The Minister in Egypt (Fish) to the Secretary of State

CAIRO, November 28, 1936—noon.

[Received November 28—7:44 a.m.]

68. Department's telegram No. 43. I do not think it likely.

FISH

¹⁸ Not printed.

883.0513/191 : Telegram

The Acting Secretary of State to the Minister in Egypt (Fish)

WASHINGTON, January 6, 1937—6 p.m.

3. Your 1, January 4, 10 a.m.²⁰ With the approval of the President the Department is now prepared to submit the name of Benjamin Howe Conner as a candidate for the American judgeship on the Mixed Court at Cairo caused by the resignation of Judge Crabitès. It is hoped that within a few days it will be possible to furnish an additional name or names.²¹ In view of the pressing requests of the Judicial Adviser, however, you may consider it desirable to submit Conner's name at once and you are authorized to do so in your discretion.

Conner was born at Connersville, Kentucky, in 1878 and has practiced law in Paris since 1908 with the exception of 2 years, 1917–1918, when he served in the American Army. He has had his own law firm in Paris since 1919. His address there is 5 Avenue de l'Opéra.

MOORE

883.0513/212 : Telegram

The Minister in Egypt (Fish) to the Secretary of State

CAIRO, March 25, 1937—4 p. m.

[Received March 25—11:20 a.m.]

32. My telegram No. 30, March 23, 11 a.m.²⁰ I am this afternoon officially informed by note from the Ministry of Foreign Affairs of Conner's appointment as American judge at Cairo and requested to take the necessary steps in order that he may reach his post as early as possible. The Minister for Foreign Affairs asks to be informed of the date of Conner's arrival in Egypt.

FISH

INQUIRY WITH RESPECT TO THE SAFEGUARDING OF RELIGIOUS LIBERTIES IN EGYPT²²

883.404/51

The Minister in Egypt (Fish) to the Secretary of State

No. 551

CAIRO, March 10, 1936.

[Received April 2.]

SIR: I have the honor to transmit herewith a copy of a communication under date of March 4, 1936, together with enclosures,²³ which

²⁰ Not printed.²¹ No additional names, however, were submitted.²² For previous correspondence relating to this subject, see *Foreign Relations*, 1930, vol. II, pp. 758 ff.²³ None printed.

I have received from Doctor C. R. Watson, President of the American University at Cairo, regarding the informal representations made recently by the Egypt Inter-Mission Council to the High Commissioner²⁴ looking to the safeguarding of the rights of Christian minorities in connection with the treaty to be drafted between the British and Egyptian Governments.

As appears from the enclosures, the Egypt Inter-Mission Council in a communication dated February 11, 1936, to the High Commissioner outlined the situation regarding Christian minorities and suggested the safeguards which appeared desirable for their protection on the occasion of the conclusion of any treaty between Great Britain and Egypt.

Particular attention was drawn by the Council to the provisions of the Egyptian Constitution declaring "The religion of the country is Islam" which was interpreted by the Egyptian authorities as overriding Article 12 according to which "liberty of conscience is absolute". To safeguard the position of the Christian minority and to further religious liberty in Egypt three suggestions were offered: (1) that the protection of minorities reserved by the British Government in its Declaration of February 28, 1922,²⁵ be not surrendered; (2) that the Egyptian Government be asked to enact legislation similar to Articles 23 (*d*) and 24 of the Succession Ordinance of the Palestine Government²⁶ freeing in matters of personal status claimants from any penalties by reason of a change of religion or nationality; and (3) as a condition of Egypt's admission to the League of Nations upon the conclusion of a treaty the Egyptian Government should make a declaration with regard to religious liberty similar to that contained in Articles 15 and 16 of the Declaration of the Kingdom of Iraq, of May 30, 1932,²⁷ upon the termination of the mandatory regime in Iraq.

On February 26, 1936, the High Commissioner received a delegation from the Inter-Mission Council at which time the point of view of that Council was expressed in further detail. It was stated that experience had proved that the Articles of the Egyptian Constitution regarding religious liberty offered no practical safeguards such as the situation in Egypt demanded. Thus, religious liberty had been "officially interpreted to mean only the right of each minority to worship in its own way, and not the right of an adult to change his faith

²⁴ Sir Miles Lampson.

²⁵ British Cmd. 1592, Egypt No. 1 (1922) : *Correspondence Respecting Affairs in Egypt*, p. 29.

²⁶ Succession Ordinance, 1923, *Legislation of Palestine 1918-1925*, vol. I, p. 350.

²⁷ League of Nations Document No. A.17.1932.VII : *Request of the Kingdom of Iraq for Admission to the League of Nations*, p. 3.

according to his convictions". Moreover, while a procedure existed for the registration of conversions from Christianity to Islam, there was no corresponding procedure for the registration of conversions from Islam to Christianity.

Doctor Watson, as spokesman of the delegation, referred to the "consternation" caused the Council in 1929 and 1930 when, on the occasion of treaty negotiations in those years, it was learned that the British Government had expressed its intention²⁸ of regarding the question of minorities in future as the exclusive concern of the Egyptian Government. In appealing for a reconsideration of this intention now on the occasion of the forthcoming negotiations, Doctor Watson cited the laws recently passed in Palestine regarding religious liberty, the stipulations attending Iraq's admission to the League, and the action of the League in 1933 in urging upon all states to make effective within their own territories the regulations for the protection of minorities which have been required in mandated territories.

In his reply the High Commissioner observed that:

(1) "Negotiations were beginning on the difficult questions of military dispositions and the status of the Sudan, and it might be some time before negotiations opened on the civilian clauses of the Treaty; that inasmuch as the British Foreign Office had made its statement in 1930 about minorities,²⁹ despite the fact that the Council had at that time made representations to it, it would probably be very difficult, though he would not say impossible, to persuade the Egyptian delegation to accept any modification of that statement, but that he would certainly bear in mind what the Council had said, when the time came for the consideration of this question.

(2) "In his opinion, the solution perhaps lay in the suggestion made by the Council towards the end of its letter of the 11th February, 1936, that Egypt be asked by the League of Nations to make a Declaration, similar to that required from Iraq, before being admitted to membership of the League; and that this method had the advantage of being one which was recognized internationally as legitimate, and was not applied exclusively to Egypt.

(3) "Seeing that the new Premier, Aly Maher Pasha, was an enlightened and progressive statesman, he might lay before him in one of his interviews the facts mentioned by the Council and see whether, quite apart from the Treaty, some legal redress could be secured for converts from Islam to Christianity, especially in the matter of registration of converts."

In conclusion Sir Miles Lampson emphasized that the foregoing represented his personal opinions but he would refer the matter to the British Foreign Office in order to ascertain the British Government's official attitude.

²⁸ See British Cmd. 3376, Egypt No. 1 (1929) : *Exchange of Notes Relating to Proposals for an Anglo-Egyptian Settlement*, p. 10.

²⁹ For attitude of the British Foreign Office in 1930, see despatch No. 866, May 5, 1930, from the Ambassador in Great Britain, *Foreign Relations, 1930*, vol. II, p. 759.

From Doctor Watson's letter of March 4, 1936, to the Legation it will be observed that it appears likely the International Missionary Council in New York may approach the Department in order that the Ambassador in London may be instructed to raise with the Foreign Office the subject of the safeguarding of religious liberty in Egypt as was authorized by the Department in 1930 on the occasion of the Anglo-Egyptian treaty negotiations in that year (see Legation's despatches Nos. 355 and 10 of April 8 and November 3, 1930, the Department's instruction No. 109 of April 29, 1930, to the Legation,³⁰ and the London Embassy's despatch No. 866 of May 15 [5], 1930³¹).

The general situation as regards religious liberty in Egypt and the possible means of safeguarding the rights of Christian minorities has been so exhaustively covered in the Legation's despatch No. 355 of April 8, 1930, and in a memorandum of the British Judicial Adviser forwarded by Minister Gunther on April 8, 1930, to the Chief of the Near East Division, that no extended review of the situation appears called for at this time.

It will be recalled that the principal problem involved in 1930, as now, was that of the disabilities to which Moslem converts to Christianity are exposed under the Sharia law (see Memorandum on the legal status of Mohammedan converts to Christianity enclosed in the Legation's despatch No. 355 of April 8, 1930). Such disabilities include: deprivation of a convert's patrimony and the absence of any facilities for registration of such conversion as exists in the case of Christian converts to Islam. This situation and the difficulties of obtaining redress of these disabilities in a Moslem State in the immediate future are thoroughly examined in the memorandum of the British Judicial Adviser mentioned above. They were likewise pertinently set forth in the London Embassy's despatch No. 866 of May 5, 1930, to the Department, in which the point of view of the Foreign Office was stated to be that the correction of these disabilities would have to be a gradual process and that this evolutionary movement was likely to be hindered rather than furthered by insistence upon legislation over-riding the Sharia law. Such was also the considered opinion, it will be recollected, of the British Judicial Adviser in Egypt, as well as that of the Legation.

As regards the Inter-Mission Council's suggestion that the protection of minorities, which was one of the reserved points of the British Declaration of 1922, should not be surrendered in any treaty arrangement with Egypt, it may be noted that the High Commissioner considers that "inasmuch as the British Foreign Office had made its statement in 1930 about minorities, despite the fact that the Council had

³⁰ None printed.

³¹ *Foreign Relations*, 1930, vol. II, p. 759.

at that time made representations to it, it would probably be very difficult, though he would not say impossible, to persuade the Egyptian delegation to accept any modification of that statement".

Concerning the second suggestion of the Council for the enactment of legislation similar to that of the Palestine Succession Ordinance the High Commissioner, it may be observed, stated that he might, quite apart from the treaty, endeavor to ascertain from the Prime Minister whether some legal redress was not obtainable for converts from Islam to Christianity, especially in the registration of converts.

In the High Commissioner's opinion, however, the solution of the situation was rather to be sought in the suggestion of the Council that Egypt be asked to make a declaration similar to that required of Iraq before being admitted to the League.

From the present enclosed communications it would seem that a more realistic view of the difficulties in the way of the attainment by legislation of an increasing measure of religious liberty in Egypt is now taken than in 1930. Moreover, it would appear that the means now suggested for the safeguarding of the rights of Christian minorities in Egypt are more practical than those proposed by the Inter-Mission Council in 1930.

Finally, it would appear to me that, as in 1930, the British Foreign Office might be approached informally and, in making inquiries as to whether any steps are being taken to safeguard religious liberties in Egypt in connection with the new arrangements that are being made between Great Britain and Egypt, the hope might be expressed that sympathetic consideration be accorded the present reasonable suggestions of the Egypt Inter-Mission Council, particularly that concerning the making by Egypt of a declaration similar to that made by Iraq incident to its admission to the League of Nations.

Respectfully yours,

BERT FISH

883.404/53

*The Secretary of State to the Chargé in the United Kingdom
(Atherton)*

No. 1178

WASHINGTON, March 26, 1936.

SIR: Your attention is invited to the Department's instruction No. 334 of April 21, 1930,³² and to the Embassy's replying despatch No. 866 of May 5, 1930,³³ concerning the question of religious liberty in Egypt.

In this connection the Department is now in receipt of a letter from the Reverend A. L. Warnshuis, Secretary of the International

³² *Foreign Relations*, 1930, vol. II, p. 758.

³³ *Ibid.*, p. 759.

Missionary Council, 156 Fifth Avenue, New York, New York, with which were transmitted various memoranda and communications from the Egypt Inter-Mission Council at Cairo, concerning the current negotiations between Great Britain and Egypt, with particular reference to the question of the rights of religious minorities. In this general connection the Reverend Mr. Warnshuis suggests the desirability of making informal inquiry at the British Foreign Office as to whether the rights of these religious minorities are being considered in the present negotiations.

Provided you perceive no objection you are authorized to make informal inquiry at the Foreign Office as to whether the situation has changed since the conversation reported in the Embassy's despatch No. 866 of May 5, 1930, to such an extent that it might now be possible to consider the possibility of including in the current negotiations the question of safeguarding religious liberties in Egypt.

Very truly yours,

For the Secretary of State:
WILLIAM PHILLIPS

883.404/55

*The Ambassador in the United Kingdom (Bingham) to the
Secretary of State*

No. 2106

LONDON, April 7, 1936.

[Received April 17.]

SIR: I have the honor to refer to the Department's instruction No. 1178 of March 26, 1936 (File No. 883.404/53), and to state that in this general connection the question of religious liberty in Egypt was discussed with the appropriate British official. The Embassy was informally advised that up to the present moment the negotiations have not proceeded beyond the question of disposition of armed forces, and that the further scope of the negotiations was not at all defined. Consequently the official was unable to state how far any provisions regarding religious minorities would be undertaken.

Respectfully yours,

For the Ambassador:
RAY AATHERTON

883.404/65

*The Acting Secretary of State to the Ambassador in the United
Kingdom (Bingham)*

No. 1501

WASHINGTON, November 27, 1936.

SIR: It will be recalled that by its instruction No. 1178 of March 26, 1936, the Department authorized the Embassy to inquire of the Foreign Office whether it was proposed to include the question of safeguarding religious liberties in Egypt in the negotiations then current between

Great Britain and Egypt, and that by its despatch No. 2106 of April 7, 1936, the Embassy reported that it had been informally advised that the negotiations in question had not proceeded beyond the question of the disposition of armed forces in Egypt.

Inasmuch as the Anglo-Egyptian Treaty signed at London on August 26, 1936,³⁴ makes no provision respecting religious liberties, American missionary interests have again approached the Department and suggested that an endeavor be made to ascertain whether consideration is being given to the desirability of requesting the Egyptian Government to furnish guarantees on that subject in connection with the proposed admission of Egypt to membership in the League of Nations. Copies of memoranda of conversations and correspondence on this matter with the Reverend A. L. Warnshuis, Secretary of the International Missionary Council, 156 Fifth Avenue, New York City, and with the Reverend Doctor Charles R. Watson, President of the American University of Cairo, are enclosed for your confidential information.³⁵

In view of the considerations set forth in these enclosures, you are authorized, provided you perceive no objection, to inquire at the Foreign Office whether it is proposed to request Egypt, at the time of the proposed admission of that country into the League of Nations, to furnish appropriate guarantees or to give assurances with respect to religious liberties.

Very truly yours,

R. WALTON MOORE

883.404/66

*The Ambassador in the United Kingdom (Bingham) to the
Secretary of State*

No. 2705

LONDON, December 9, 1936.

[Received December 21.]

SIR: I have the honor to refer to the Department's instruction No. 1501 of November 27, 1936, authorizing the Embassy to inquire at the Foreign Office whether it is proposed to request the Egyptian Government, at the time of the proposed admission of that country into the League of Nations, to furnish appropriate guarantees or to give assurances with respect to religious liberties. The question was taken up with the Foreign Office in the sense of the Department's instruction under reference, and the Embassy was given the following information with the request that it be kept strictly confidential.

The Foreign Office said that it had this question very much in

³⁴For text of treaty, see British Treaty Series No. 6 (1937): *Treaty of Alliance, etc.*

³⁵Not printed.

mind and while the High Commissioner in Cairo had "been given a line to follow" in presenting the missionaries' case, the matter was a delicate one and Sir Miles Lampson would have a fairly free hand as regards the details and the manner in which it should be taken up with the Egyptian Government. The Foreign Office, therefore, did not know whether, if the High Commissioner's representations were successful, they would result in the giving of guarantees by the Egyptian Government at the time of the proposed admission of that country into the League of Nations, but the Foreign Office hoped that the Egyptian Government would see the wisdom of making a suitable declaration on the subject of religious liberties some time prior to its admission into the League of Nations. They suggested that it might be awkward for Egypt to be asked by the League what the situation was, and that it would be far more dignified for the Egyptian Government to make a purely voluntary statement.

The Foreign Office pointed out that there was always a danger of pressing a country like Egypt too much, which, if affronted, "might dig its toes in", and therefore the matter was one which should be dealt with with the greatest tact and discretion.

At the end of the conversation, the Foreign Office again emphasized their request that their remarks be kept in the strictest confidence.

Respectfully yours,

For the Ambassador:
RAY ATHERTON

783.003/144

The Minister in Egypt (Fish) to the Secretary of State

[Extract]

No. 864

CAIRO, December 11, 1936.
[Received January 14, 1937.]

SIR: I have the honor to inform the Department that on Thursday evening, December 10th, at six o'clock I attended a meeting of the Anglo-American Hospital Board at the Residency. Of this organization the High Commissioner is Chairman and the American Minister is the Vice-Chairman.

The meeting consumed only about fifteen minutes and at its conclusion the High Commissioner asked me into his private office. . . .

Apparently he had detained me primarily to discuss with me what he was doing with reference to safe-guarding the rights of Christian minorities in Egypt. He recalled the informal representations that had been made to him by the Egypt Inter-Mission Council looking to the safe-guarding of the rights of Christian minorities in connection with the treaty between the British and Egyptian Governments. (See my despatch No. 551 of March 10, 1936.)

The High Commissioner stated that his Government looked with favor upon the suggestion that Egypt voluntarily make a declaration similar to that made by Iraq before being admitted to membership in the League. He told me that he had already approached the Minister of Foreign Affairs about the matter and that the Minister agrees fully with him that the Egyptian representatives at Geneva should make such a declaration. It must, however, be borne in mind that the Minister of Foreign Affairs is a Copt, as well as is Makram Ebeid Pasha, the Minister of Finance, whom I regard as the brainiest and most clever member of the Cabinet. The High Commissioner further stated that he was taking the matter up with the Prime Minister but that he was proceeding cautiously for it was a delicate matter about which to approach him.

Respectfully yours,

BERT FISH

[Subsequently, at the Montreux Conference for the Abolition of Capitulations in Egypt, in an exchange of letters dated May 8, 1937, Egypt promised that "freedom of worship shall continue to be assured to all religious institutions of the United States of America on condition that there is no offense against public order or morals." See Department of State Treaty Series No. 939, page 69.]

PRELIMINARY NEGOTIATIONS IN REGARD TO CONVENING A CONFERENCE FOR THE ABOLITION OF THE CAPITULATIONS IN EGYPT

733.003/126 : Telegram

The Chargé in Egypt (Childs) to the Secretary of State

CAIRO, November 19, 1936—9 a.m.

[Received 9:10 a.m.]

63. Approval of the Egyptian Parliament of the Anglo-Egyptian treaty ³⁶ was completed last night. The High Commissioner ³⁷ informed me yesterday both he and the Egyptian Government desired to convene the Capitulations Conference as soon as possible after ratification by the British Government and suggested January 15th as a possible date. The place is also still undetermined.

On the basis of other information I am doubtful if as early a date as January may be possible.

CHILDS

³⁶ Signed at London, August 26, 1936; for text, see British Treaty Series No. 6 (1937): *Treaty of Alliance, etc.*

³⁷ Sir Miles Lampson.

783.003/129 : Telegram

The Minister in Egypt (Fish) to the Secretary of State

CAIRO, December 5, 1936—9 a.m.

[Received December 6—1:45 p.m.]

72. I learn confidentially that some concern exists on the part of the High Commissioner's own advisers regarding the perfunctory attitude which he is taking towards the Capitulations Conference as he has expressed himself as of the belief that it may all be settled in a couple of days once the Conference is convened.

While the Conference is not expected to encounter any insuperable difficulties the satisfactory solution of the complicated problems which will be raised thereat requires careful preparatory study. In my opinion which is shared by those in whom I have confidence Egyptian Government when issuing invitations to the powers should present at least its general proposals. Failing that it would seem inevitable that when the delegates assemble it will be necessary to request an adjournment for time to study them. I believe that it might be advisable for the Department to approach the British Foreign Office informally to suggest the possible desirability that the Egyptian invitation should be accompanied by the Egyptian proposals. As yet no decision has been taken on the form of the invitation nor as to the time and place of the Conference.

FISH

783.003/126 : Telegram

The Acting Secretary of State to the Minister in Egypt (Fish)

WASHINGTON, December 5, 1936—2 p.m.

46. Your 63, November 19, 9 a.m. Unless you perceive some objection the Department desires you to express to the Egyptian Government, in such manner as you consider appropriate, the hope that prior to the convening of the proposed capitulations conference ample opportunity will be afforded this Government to study the proposals which are to be put forward. In this connection it must be borne in mind that in view of the length of time required to transmit documents between Egypt and the United States, this Government will require somewhat longer to make the necessary preparations than will European countries. Furthermore, depending upon the nature of the Egyptian proposals and the method by which it is sought to accomplish them, it may be necessary for this Government to seek legislative enactments from Congress. Under the circumstances the Department earnestly hopes that it may have before it the Egyptian proposals not less than 2 months prior to the convening of the proposed

conference. Only by being afforded such an opportunity for studying the views of the Egyptian Government can this Government give them the attentive and sympathetic consideration which it desires. Any indications, even informal, which the Egyptian Government may meanwhile be in a position to furnish as to its views with respect to an adjustment of the capitulatory problem will obviously facilitate the task of this Government.

MOORE

783.003/131 : Telegram

The Minister in Egypt (Fish) to the Secretary of State

CAIRO, December 7, 1936—9 a.m.

[Received 10 a.m.]

73. Department's telegram 46⁸⁸ and [Legation's] 72.⁸⁹ British advisers of the Egyptian Government are understood to be considering two alternatives: (1) The issuance of invitations without definite proposals extending beyond those contained in the annex to article 13 of the Anglo-Egyptian treaty and (2) the putting forward of detailed proposals at the time of the issuance of the invitation.

As no other power has as yet interested itself officially in the subject so far as I know and in view of Great Britain's special responsibility, it would appear to me appropriate that the British Government should take the lead in raising the question of the desirability of the presentation by the Egyptian Government, when issuing the invitations to the Conference, of written proposals in elaboration of the points raised in the Anglo-Egyptian treaty.

I am accordingly deferring action upon the Department's telegram No. 46 until I am informed of the Department's further views in the light of this and of the suggestion made in my telegram No. 72. Should the British Foreign Office agree to raise the question of detailed proposals I would thereafter present to the Egyptian Government the Department's views. At the same time it might be desirable, irrespective of whether the British Government agreed to act, for the Department to approach the French, Italian, Greek, and Belgian Governments in order that the principal capitulatory powers might act in concert in the matter as I believe we should endeavor to avoid being made solely responsible for any postponement of the Conference.

FISH

⁸⁸ *Supra.*

⁸⁹ *Ante*, p. 29.

783.003/132 : Telegram

The Minister in Egypt (Fish) to the Secretary of State

CAIRO, December 7, 1936—11 a. m.

[Received 12:25 p. m.]

74. The Minister of Foreign Affairs informed Childs⁴⁰ at a social gathering last evening that invitations to the Conference were being held up owing to the postponement of the exchange of ratifications of the Anglo-Egyptian treaty consequent upon the failure of King Edward the VIII to sign any state documents including the treaty during the present constitutional crisis. He added that it was the present intention of the Egyptian Government to allow at least 2 months between the date of the issuance of the invitations and the convening of Conference and that it was contemplated the invitations would include the program of the Conference which would follow the lines of the annex to article 13 of the treaty. The Minister stated that if the convening of the Conference coincided with the meeting of the League which received Egypt as a member the Conference would probably be held in Geneva.

FISH

783.003/129 : Telegram

The Acting Secretary of State to the Minister in Egypt (Fish)

WASHINGTON, December 7, 1936—2 p. m.

48. Your 72, December 5, 9 a. m. Department's 46, December 5, 2 p. m. was sent prior to decoding of your above mentioned telegram. Department's 46 was also repeated to Embassy at London, which was instructed to bring the matter informally to the attention of the Foreign Office and to state that any information which the Foreign Office could furnish on the subject would greatly assist the Department in making plans.

MOORE

783.003/133 : Telegram

The Acting Secretary of State to the Minister in Egypt (Fish)

WASHINGTON, December 11, 1936—2 p. m.

49. Your 73, December 7, 9 a. m. and Department's 48, December 7, 2 p. m. Following is text of telegram of December 9 from Embassy at London:

"The Department's 436, December 5, 2 p. m.,⁴¹ was taken up informally with the Foreign Office who stated that they thought invita-

⁴⁰ J. Rives Childs, Second Secretary of Legation in Egypt.

⁴¹ Not printed; it repeated text of telegram No. 46, December 5, 2 p. m., to the Minister in Egypt, with instructions to bring the matter to the attention of the Foreign Office.

tions to the proposed Capitulations Conference would be ready within 10 days or 2 weeks and that detailed Egyptian proposals for the conference would probably be available in Cairo about February 1, next. The Foreign Office pointed out in this connection that the annex to Article 13 of the Treaty of Alliance between the United Kingdom and Egypt outlines the proposals.

The Foreign Office said it was still doubtful whether the conference would take place in Cairo or in some town in Switzerland but they thought it possible that it might convene about March 1. The Embassy pointed out that this would only leave one month from the date of the issue in Cairo of the detailed Egyptian proposals and the date of the opening of the conference, and that the Department earnestly hoped that it might have before it the Egyptian proposals not less than two months prior to the convening of the conference. The Foreign Office said that the Egyptian Government desired to have the Capitulations Conference as soon as possible and though the dates given above were only guesses and might both be subject to change, especially postponement, the Foreign Office thought it most unlikely that there would be as much as 2 months between the issuance of the detailed proposals and the convening of the conference."

In view of the complexity of the subject and the lack of information as to the method by which the Egyptian Government proposes to terminate the capitulatory regime it is doubtful if any useful purpose would be served by approaching certain of the capitulatory Powers as suggested in your '73, December 7, 9 a.m. Moreover, since the above quoted telegram from London indicates that the Egyptian Government intends eventually to issue detailed proposals, no reason is perceived why you should not now discuss this matter with the appropriate Egyptian authorities in accordance with the Department's 46, December 5, 2 p.m. In such discussions you should make clear that in asking for ample opportunity to consider the detailed Egyptian proposals the Department, far from intending to be obstructive, has in mind the possible necessity of extensive preparations including legislation, which may be required under American constitutional forms, to enable the President to give prompt effect to any decisions that may eventually be reached respecting the termination of the capitulatory regime. In this connection you will recall the Act of 1874,⁴² which empowered the President merely to suspend certain aspects of our capitulatory rights in Egypt. See also in this connection fourth paragraph of note to British Government quoted in Department's instruction of July 8, 1921, to Embassy at London, reprinted in Vol. I, page 907, *Foreign Relations*, 1921.

MOORE

⁴² 18 Stat. 23.

783.003/136 : Telegram

The Minister in Egypt (Fish) to the Secretary of State

CAIRO, December 14, 1936—4 p.m.

[Received December 14—1:48 p.m.]

75. I left yesterday with the Foreign Minister an *aide-mémoire* embodying the Department's views as set forth in its telegram Nos. 46 and 49.⁴³

The Minister for Foreign Affairs stated that while he fully appreciated my Government's position, the Egyptian Government was considering February 15th for the opening of the Conference as it was desirous of holding it as soon as possible. As it would probably take place in Switzerland he assumed that less advance notice would be required by my Government. Although invitations would be issued in a few days it would be impossible to present detailed proposals in their entirety for some little time but he assured me that as soon as different points had been agreed upon he would inform me of them progressively either officially or informally in advance of their formal presentation to the powers before the Conference.

My Italian colleague has agreed to support my representations and he is inviting French Minister to do likewise.

The Counselor of the Residency⁴⁴ informed the Legation today that the date of the Conference was still under discussion. In his opinion too great haste was being shown by the Egyptian Government which would not have its detailed proposals ready before January 15th at the earliest. He expressed the opinion that it would not be feasible for the Conference to be convened before March 15th.

There is being mailed tonight by air my final report in answer to the Department's Instruction No. 197⁴⁵ containing not inconsiderable details both in general and particular of the probable Egyptian proposals as ascertained recently from various sources.

FISH

783.003/139 : Telegram

The Minister in Egypt (Fish) to the Secretary of State

CAIRO, December 28, 1936—4 p.m.

[Received December 28—11:50 a.m.]

78. I learn unofficially that the Capitulations Conference will be held April 19 at Montreux, Switzerland. It is expected that we shall receive detailed proposals not later than the end of January.

FISH

⁴³ *Ante*, pp. 29 and 31.⁴⁴ David Victor Kelly.⁴⁵ Dated October 30; not printed.

ETHIOPIA

ETHIOPIAN-ITALIAN CONFLICT¹

I. General Background

765.84116/19 : Telegram

The Chargé in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, January 1, 1936—9 a.m.

[Received 1:20 p.m.]

1. Foreign Office note dated yesterday informs me that on December 23 Italian planes used bombs containing asphyxiating and tear gases against Ethiopian troops in Takkaze region. Ethiopian Government desires me bring this to your attention as violation of Washington Treaty, February 6, 1922.²

Please see Legation's despatch number 43, October 16, 1935.³

ENGERT

765.84/3406 : Telegram

The Chargé in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, January 7, 1936—noon.

[Received January 11—5:11 p.m.⁴]

14. My 8, January 5, 8 p.m.⁵

1. Fundamental considerations outlined in my 208, December 5, 10 p.m.⁵ remain the same. Time is still playing into the hands of the Abyssinians, and just as in October and November unexpectedly late rains hampered Italian movements; so did an unexpectedly early beginning of the so-called little rains towards the end of December which ordinarily do not fall before early February. It is also possible that the Italian Government ordered a slowing down of military operations while France and Britain were making their peace efforts. In any event it looks as if so far things were going more or less according to Ethiopian plans.

2. The second phase of the Italo-Ethiopian war may be said to

¹ Continued from *Foreign Relations*, 1935, vol. I, pp. 594-908.

² *Ibid.*, 1922, vol. I, p. 267.

³ Not printed.

⁴ Telegram in three sections.

⁵ *Foreign Relations*, 1935, vol. I, p. 689.

have begun when Marshal Badoglio assumed supreme command at Asmara on November 28th and the Emperor of Ethiopia⁶ arrived at Dessie November 30th. Until then most of the fighting had been between reconnoitering detachments and although Abyssinian resistance had been much stiffer than even the texts of the few and meager communiqués would indicate, no large units were involved and the losses on either side were insignificant. The Italians had been advancing with the utmost caution evidently in the hope of effecting a kind of pacific [apparent omission] by the distribution of propaganda leaflets from the air behind the Ethiopian lines and by special efforts to give remunerative employment to the inhabitants corduroy road making in occupied territories. But the ineptitude of the propaganda and the ruthlessness with which the Italian armies are reported to have commandeered grain, cattle and fodder from a half starving population nullified all attempts to gain their good will. Since Guksa's treason of November only minor and unimportant chiefs have voluntarily submitted to the Italians and the number of their followers has been negligible.

3. Even the slow and careful advance of the Italians seems to have been too rapid to prevent the formation of enemy guerrilla bands behind their lines whose mobility and agility subjected the Italian troops to severe tests. By the middle of December it had become evident that large Italian forces could not move much faster along narrow mountain trails than their engineers could construct roads behind them. For, although artillery and tanks mark Italy's greatest superiority over the Abyssinians, this advantage is almost canceled by lack of roads and an elusive enemy.

4. Another advantage, namely, that of a highly organized air force has likewise proved disappointing to the Italians for it was found that in the absence of forts, arsenals and industrial centers, there were comparatively few targets suitable for bombing. As explained in my 206 [208], paragraph 15, Abyssinian troops scatter and hide by day and reassemble to march or attack at night. Besides an extremely high percentage of Italian bombs proved to be duds which considerably lessened the moral effect air action might otherwise have had. However, throughout December intense aerial activities were reported from both fronts of which the raid on Dessie was probably the largest operation. According to an official Ethiopian report some 3,000 bombs were dropped south of Makale during the week ended December 31st. There is a small landing field at Makale which has increased Italian air range southward but most of the machines operating on the northern front are based on Assab, Asmara and Aksum. Besides Dessie the following places in the north have been subjected to severe raids;

⁶ Haile Selassie.

Ambai, Antalo, Buia, Dabat and Gondar. In the south Dagabur has been the principal target but on December 30th in bombing a point 50 miles north of Dolo a Swedish Red Cross unit was badly wrecked. So far neither Harrar nor [apparent omission] have been bombed and the fact that no attempt has been made to destroy railway to Djibouti at any point is interpreted here as indicating that there is understanding on the question between the Italian and French Governments.

5. While Badoglio's appointment would seem to imply that Italy no longer regards her African war as in the category of purely colonial punitive expeditions, his appointment—apart from intensified air activity—appears to have made surprisingly little difference, considering how much had been expected of him even by the Abyssinians. On the other hand the Emperor's presence at Dessie—where he had gone only after he had personally reviewed all his vassals and their troops which passed through Addis Ababa—has coincided with what promises to be important developments. In fact, for Ethiopia the war is only now beginning in earnest because the concentration of her armies has but recently been completed. Her warriors who have been restrained with difficulty by their leaders are spoiling for a fight, and it may be said that during the past month their tactics of retiring and luring the enemy as far as possible into the country by rear guard actions were almost imperceptibly changed to the beginnings of a counteroffensive.

6. Although no decisive battles may be in sight yet such inferences as can be drawn from official and other sources point to the fact that the Abyssinians are now not only ready to stand their ground but to advance. It is also clear that contrary to earlier expectations the principal fighting will be on the northern front although it is less clear why the Italians should have chosen it for their main effort considering that the physical difficulties and hazards of an advance from the north seems so much greater than in the south. Tempted perhaps by rumors that there was friction between Ras Kassa and Ras Seyum, the Italian Seventh Army Corps under Biroli has been trying to drive a wedge between the Ethiopian forces but without success. Although it captured Abbi Addi provincial capital of Embien [*Tembien*] on about December 7th it was unable to make any headway amidst a labyrinth of rocky ridges of the Tembien plateau itself.

7. The ever widening gap between it and the Second Army Corps which had remained much too far behind gave Ras Kassa—greatest of Ethiopia's feudal lords—and Dejazmatch Ayleleu on his left their long sought for opportunity. On December 10th there was a sharp encounter at Adda Enkato in the District of Southern Shire which ended in a minor Ethiopian success and proved that the Italians did not yet control the right bank of the Takkaze River. This was followed on December 16th by a surprise attack launched by some 3,000

men against further Italian positions north of the Takkaze in the Tsembela district. The Italians were routed and obliged to withdraw to the Dembeghina Pass in the direction of Aksum and the Ethiopians claim to have captured 10 tanks and 28 machine guns. An Italian communiqué admitted the withdrawal and the loss of nearly 300 officers and men in killed alone.

8. The second major engagement of the war likewise ended in an Italian defeat. On December 22nd Ras Seyum's troops counter-attacked and retook Abbi Addi again killing some 300 Italians. As the Ethiopians publish no casualty lists.⁸ That in both battles they lost more men than the enemy but with their numerical superiority they can afford it.⁸ Ras Seyum has the reputation of being the most aggressive of the Ethiopian leaders and, with his principal Lieutenant Dejazmatch Maru, feels confident of being able to hold the Tembien Italian army against much larger forces than the Italians have so far employed. His headquarters are at Samre in the Selo District and his principal aim is to turn General Birolì's flank. The gorges of the Ghevaca [*Ghevd*] an affluent of the Takkaze River offer formidable obstacles to an Italian advance west of Makale and even in the Gheralter District to the north Makale Abyssinian bands are still ambushing enemy convoys.

9. Nor is the situation on the southern front more encouraging for the Italians. Here, too the appointment of Badoglio was expected to have important results for it was an open secret that Graziani and de Bono did not get along very well. But no startling changes have taken place during the past 5 weeks and the Italians still only hold isolated outposts in the desert. It would have seemed most logical if the Italians had made the south their main line of attack because the terrain in the Ogaden gave mechanized forces their best opportunity to engage in comparatively swift movements which might have brought them within reach of two of their principal objectives, namely, the roads to Berbera and Zeila and the railway to Djibouti. But Graziani was only given two divisions for a front of some 400 miles and he was apparently obliged to spread them too thinly and too widely to advance successfully on Jig Jiga and Harrar. They suffered severely from lack of water, malaria, and many of the native Somali troops proved unreliable. When his thrust toward Sasabaneh in November failed—Ethiopians had quite a notable success at the Anale Wells, the Italians were obliged to withdraw almost to where they started from. It seems doubtful whether they now even hold Gorahai, at least it is seriously asserted that they are in possession only during the day and evacuate at night!

⁸ This sentence is apparently garbled.

10. On the Ethiopian side an elaborate defense system is being constructed at Dagabur about 100 miles south of Jig Jiga despite frequent bombing from the air, considerable forces are being collected in the neighborhood of the Anale Wells by the commander in chief Nasibu. His principal lieutenants are Dejazmatch Habte Mikael, Dejazmatch Makonnen and Dejazmatch Ababaemtu, brother of Ras Desta. Ras Desta himself and his army are somewhere between Nughelli and Filta about 120 miles northwest of Dolo. He is considered an able man with modern ideas and his men are good fighters. By gradually moving down the Ganale Doria River he has probably been instrumental in preventing the Italian right wing from giving its undivided attention to an advance on Jig Jiga. He too is being heavily bombarded by Italian machines based on Lughferandi southeast of Dolo.

11. As regards the situation in the Danakil country, a veil of mystery seems to have descended upon it. Conflicting reports from both Italian and Ethiopian sources are quite unreliable. Like the Somali nomads, the Danakil tribes are of doubtful value to either side and the support of most of the minor chiefs can at least temporarily be purchased with cash and rifles. Thus it seems that the small Sultanate of Bisu in the extreme north, being wedged in between the Italian forces under Santini in the west and Mariotti in the east, has made submission to the Italians. On the other hand the Sultan of Aussa who controls most of the Danakil desert is still loyal to Ethiopia thanks probably to some very clever Moslem propaganda by the Emperor, and the possibility of the Italians being able to link their northern and southern fronts at Saidire Dawa [*at say Dire Dawa?*] is a very remote one indeed.

12. Mussolini may derive comfort from the thought that his troops have occupied some 15,000 square miles out of a total of 350,000 and that old scores have been evened by the capture of Adowa and Makale. But the fact remains that after 14 weeks and little opposition they have not even penetrated as far as they did in 1895 and have been obliged to relinquish some of their gains. One can hardly blame the Abyssinians for hoping that a repetition of minor Italian reverses may have begun which 40 years ago ended in the disaster of Adowa. Eritrean deserters have brought reports of much confusion in Italian communications behind the lines and of mediocre morale of Italian infantry which seems reluctant to attack unless accompanied by tanks and planes. The Abyssinians on the contrary after having captured a number of tanks and brought down several planes no longer feel as helpless as they did at first against Italian superiority in mechanical resources.

13. If, however, this feeling of optimism should tempt the leaders—contrary to the tactics recommended by the Emperor—to launch a

general offensive they may change radically to their disadvantage. They probably do not appreciate the difficulties of attacking without artillery lines firmly held by modern troops behind barbed wire and massed machine guns nor is it as yet known what effect poison gas—which the Italians only began using quite recently may have upon the morale of these primitive people. Although Ethiopia's reserves of man power are large, her best men and her only trained troops are now at the front and could not [*sic*] hardly afford the heavy casualties which ill-advised large scale attempt to drive Italians out of the country may inflict upon them.

14. Much will also depend upon the international situation. As pointed out in my 246, December 21, noon,⁹ the Franco-British peace proposals were looked upon as sacrificing most of Ethiopia's interests and caused much bitterness and resentment. In was, therefore, probably more than a mere coincidence that their rejection was accompanied by the greatly increased activity in the field described in this telegram. The Emperor doubtless desires to show that he and his people are determined to fight to the bitter end, not only for the life and independence of their country but for the sanctity of treaties and the rights of all small nations. Only a concerted effort on the part of the world to make collective security a reality can therefore prevent the bloodshed from continuing indefinitely.

ENGERT

765.84116/42 : Telegram (part air)

The Consul at Geneva (Gilbert) to the Secretary of State

GENEVA, January 20, 1936—4 p.m.

[Received January 22—9:10 a.m.]

16. I have been confidentially informed by the Secretary General of the International Committee of the Red Cross that the President of the Committee, Dr. Huber, is in receipt of a personal letter from Mussolini dated January 16 which Red Cross officials here consider of great importance as showing a disposition on the part of the Italian Government to respect its commitments under the Geneva and Hague Conventions.

The Committee desires to communicate its contents to the National Red Cross societies and has sought permission from Rome to do so and its contents are treated as strictly confidential even the fact of its receipt being withheld from the press. I have been given to understand, however, that it embodies the following points.

The Italian Government has complete confidence in the impartiality of the International Committee in the exercise of its good offices. It

⁹ Not printed.

fully approves of the humanitarian principles and objectives of the Red Cross and deplores the "accidents" which have occurred as a result of the operations of the Italian air forces over wide areas and under the difficulty of limiting the objective of aerial bombardment. Italian aviators it said will endeavor to respect hospitals and dressing stations shown to be under Red Cross protection in spite of their use by combatants as places of refuge.

Attention was again called to the alleged widespread improper use of the Red Cross by Ethiopians and it was requested that the Committee instruct its mission in Ethiopia to investigate the situation.

Particular reference was made to the most recent Italian complaint regarding atrocities and use of dum-dum bullets. (Consulate's telegram No. 15, January 20, 3 p.m.¹⁰). This was cited as showing the pressing need for an investigation by the International Committee's representatives in Ethiopia and for continued efforts to restrain Ethiopians from perpetrating acts contrary to the generally recognized standards of warfare.

I am told that the tone of the communication was extremely courteous. This in addition to its context causes the Committee to feel that the Italian Government has finally become responsive to world opinion in the matter of the bombardment of hospital units. No particular reference was made in the communication to the bombardment of the Swedish hospital although the exchanges of letters in that case between the International Committee and the Italian Red Cross are believed to have prompted Mussolini's unusual course in writing directly and in person to Dr. Huber.

Red Cross officials have expressed to me their feeling that this communication from Mussolini is a striking justification of the Committee's policy of absolute neutrality which has been criticized in some quarters as showing moderation and caution with respect to Ethiopian complaints of Italian air bombardment.

GILBERT

765.84116/23

The Secretary of State to Mr. Kepler Hoyt

WASHINGTON, January 29, 1936.

SIR: The receipt is acknowledged of your letter of January 3, 1936,¹¹ in which you state that you have seen no notice of a protest by the United States Government against the bombing of an American

¹⁰ *Post*, p. 94.

¹¹ Not printed.

(Seventh Day Adventist) hospital in Ethiopia by the Italians.¹² You refer to the prompt protest made by the Swedish Government in connection with the bombing of a Swedish Red Cross station and inquire "is the American people to conclude from the above that its Government is less concerned for the rights of its nationals than is the Swedish Government?"

The hospital of the Seventh Day Adventist Mission which was damaged in the course of the bombardment of Dessie by Italian airplanes on December 6, 1935, was affiliated with the Ethiopian Red Cross and the protest made by that organization in connection with the bombing has been brought to the attention of the Italian authorities by the International Committee of the Red Cross in Geneva, Switzerland.

The operation in a belligerent country of Red Cross Societies or similar organizations of a neutral country is governed by the Red Cross Convention signed at Geneva on July 27, 1929,¹³ to which the United States, Italy and Ethiopia are parties. Article 11 of that Convention reads as follows:

"A recognized Society of a neutral country may only lend the services of its sanitary personnel and formations to a belligerent with the prior consent of its own Government and the authority of such belligerent.

"The belligerent who has accepted such assistance shall be required to notify the enemy before making any use thereof."

While the Department understands that the Swedish Red Cross unit to which you refer was operating in Ethiopia with the approval of the Swedish Government in accordance with the treaty provision quoted, neither the Seventh Day Adventist Mission nor any other organization has been authorized by the Government of the United States to function in Ethiopia under that treaty provision. Moreover, the information in the Department's possession does not definitely establish that the hospital at Dessie to which you refer is wholly an American organization, and inquiries are now being made to ascertain the extent of the American interest in the hospital.

It will be appreciated from the foregoing that there is neither necessity nor any clear basis for protest by the Government of the United States against the bombing to which you refer.

Very truly yours,

For the Secretary of State:

WALLACE MURRAY

Chief, Division of Near Eastern Affairs

¹² For previous correspondence on this subject see *Foreign Relations*, 1935, vol. 1, pp. 876 ff.

¹³ *Ibid.*, 1929, vol. 1, p. 317.

765.84116/49 : Telegram

The Chargé in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, January 29, 1936—9 a.m.

[Received 3:10 p.m.]

54. Communiqué last night reports that on January 21st three Italian planes dropped large quantities mustard gas bombs northeast of Makale. Northwest of Makale Italians are still trying to retake position they lost and heavy artillery bombardments audible day and night since January 23rd.

Communiqué also refers to minor successes gained by small detachments of Ras Seyum's army between January 14th and 19th.

Netherlands Red Cross unit arrived Dessie yesterday.

ENGERT

765.84/3708 : Telegram

The Minister Resident in Ethiopia (Engert)¹⁴ to the Secretary of State

ADDIS ABABA, February 12, 1936—9 p.m.

[Received February 15—6:40 p.m.¹⁵]

87. My 14, January 7, noon and telegrams regarding military operations since then.

1. Difficulties of preparing analysis of military situation continue as my attempts to secure promptly and regularly information of events at the front have not proved successful. Reliable reports literally only trickle through even when favorable to the Ethiopians, while news of reverses can hardly be obtained at all. The following estimate of the situation is therefore subject to correction in the light of more accurate information which may be in the possession of the Military Attaché at Dessie.

2. The torrential rains, which have now been falling for 6 weeks and apparently all over the country with the exception of the Ogaden, have proved far more useful to the Ethiopians than the efforts of the League of Nations. It is said that not since 1907 have such unseasonal rains occurred at this time of year. Ordinarily, January is the driest month of all and the Legation's records show for example that not a drop of rain fell in January of the years 1929, 32, 33, 34, and 35. But last month 105 millimeters fell which would be normal for June and might be exceeded only in July, August or September. In fact we have had cloudbursts in January and early this month which exceeded in intensity anything experienced in the preponderant rain season.

¹⁴ Engert was appointed Minister Resident on February 7, but he did not present his letters of credence until April 30.

¹⁵ Telegram in four sections.

3. The effect of these untimely rains on Italian transport can only be imagined when the physical difficulties confronting an invading army even in the dry season are remembered. See e. g. paragraph 3, my 208, December 5, 10 p.m.¹⁶ With the mountainous part of the country deluged, the hastily constructed emergency roads must have been washed away in many places and become unfit for long sustained traffic of heavy trucks, armored cars, and tanks. For even light motor transport is difficult to handle in the rainy season over Abyssinia's precipitous rolling and rocky uplands. Morale and health of the troops must also have been affected by the hardships of marching, drenched to the skin, with heavy packs at high altitudes, and after vitality of many had probably been lowered by a long stay in Eritrea. Rains and constantly overcast skies also caused low visibility and interfered considerably with air reconnaissance.

4. But the adverse factors of climate and altitude alone can hardly account for the fact that the Italian expeditionary forces have not been making much headway. The middle of the fifth month of war finds the main Abyssinian armies almost entirely intact and the military prospects for the Italians not very bright. As it must be assumed that Badoglio was given a free hand when Italy realized last December that nothing could be gained diplomatically by holding back in the field, his failure to improve upon the performance of de Bono has elated the Ethiopian Government and must be particularly discouraging to Rome. Considering the powerful and carefully prepared war machine he has at his disposal, the unimportant successes so far obtained would seem to point to either faulty staff work in the plans of attack, or incompetence, or low morale in their execution.

5. By keeping careful count of Suez Canal traffic figures it can be ascertained that Italy has by now nearly 350,000 men in East Africa including laborers and native levies. And yet Badoglio is understood to have asked for more because he considers his fronts dangerously over-extended and vulnerable. Among the reinforcements he has recently received and which Ethiopians report as having gone into action on the northern front is an Alpine division especially trained and equipped for mountain warfare but its arrival has been followed by rumors that it is not considered loyal to the Fascist regime. What is certain is that more and more white troops are being used in addition to the Eritrean Askaris, and Somali Dubats who have hitherto borne the brunt of the fighting.

6. While the accumulation of large Italian reserves indicates that a new and vigorous push forward is in preparation, one cannot help but wonder whether in the light of the experience of the past 4 months larger armies will not find the difficulties of maintaining themselves

¹⁶ *Foreign Relations*, 1935, vol. I, p. 689.

far from their bases almost insuperable. According to Italian sources, 7 tons of foodstuffs are required per day for every thousand men, not counting ammunitions which may run to 10 tons for each day in action. To have all this has already proved the formidable task for the Italian supply transport and is bound to increase as the lines of communications lengthen. Fortunately for the Italians they have no Ethiopian air force to contend with or they could not have achieved even the insignificant gains they have. For, as pointed out in previous reports, a highly mechanized army is distinctly handicapped under conditions prevailing in Abyssinia where heavy tanks, armored cars, and cumbersome artillery become increasingly useless as they penetrate into the interior.

7. Not even the admittedly high engineering skill of the Italians has been able to cope with the amount of dangerous road making in front and behind their main positions required in this campaign. And despite the fact that large numbers of troops are engaged in protecting these roads, they have failed to prevent infiltrations [of] Ethiopian forces behind the Italian lines where they harass the supply services. Situation is aggravated by the impossibility of disarming hostile inhabitants in occupied areas who help the Abyssinian armies whenever they have a chance. One of the most baffling problems the Italians have on their hands is precisely the adequate protection of their flanks against surprise attacks in view of the impracticability of maintaining contact between the advancing columns by lateral communications. What they seem to lack most are fairly large self-contained flying columns unhampered by tanks or armored cars which could adopt the guerrilla tactics of their enemies.

8. That these tactics have so far proved surprisingly effective must be admitted. Even such European drill as the regular army may have had does not seem to have spoilt the natural cunning of the individual warrior. Most of them are expert guerrilla fighters—fleet-footed, tireless, and brave—accustomed to making the best use of the difficult ground which so admirably suits their nature. Although quite capable of taking the initiative in night raids and similar surprise attacks, they proved themselves sufficiently disciplined to avoid pitched battles before the main armies were ready. They have learned to dig trenches and construct primitive forts and although there is still a dearth of capable leadership, reconnaissance work has improved, and the various chiefs seem now to inform one another of their movements. Arms and munitions have recently been arriving in considerable quantities including antitank guns, automatic rifles, and portable batteries. But most important of all, the morale of the Abyssinians has held up remarkably well and in the many fierce hand-to-hand fights that have taken place, they have shown great tenacity in holding their ground even against superior numbers.

9. However, the very fact that it can truthfully be said of the Abyssinians that they are no longer afraid of the Italians harbors serious dangers for them. Being impatient and impetuous by temperament, they are apt to underestimate the risks and to commit grave tactical and strategic blunders. For example, several times during the recent fighting machine gun nests were attacked by hordes of men armed with nothing but swords and spears and their losses were terrific. Or they would storm Italian positions only to be driven out again because they did not realize the range of artillery fire. And making a night attack failed because they disregarded the fact that the enemy possessed searchlights. But probably most serious of all is their pathetically poor supply system which greatly reduces and hampers the radius of their activities. Some months ago the rasas at the front even had to request the Emperor not to send them any more men as they were unable to feed them and although this has been remedied to some extent, the concentration of large forces is still extremely difficult just for that reason.

10. The Italian air forces have not, on the whole, proved very effective as an offensive weapon chiefly because of the inability of infantry to exploit results of bombing by attacking and occupying objectives. As stated in paragraph 3 above, visibility has been bad due to the cloudy weather. There are practically no landing places in northern Abyssinia and the mountains and treacherous air currents make flying unusually hazardous. Although thousands of high explosive bombs have been dropped, especially on villages between Makale and Dessie, and there is hardly any anti-aircraft defense, they never had the demoralizing effect the Italians expected, and the natives have even stood gas bombing very well although they have no gas masks. Nevertheless, Italian scouting planes must have done much useful reconnaissance work and prevented surprise attacks, and by bombing cattle and important wells they intensified the scarcity of food and water among the defenders.

11. Reference should perhaps be made here to constant accusations of violations of rules and customs of war by both belligerents. Ethiopian Government and people are thoroughly aroused by what seems deliberate bombing of Red Cross units, of defenseless villages and towns as if the extermination of the civilian population were intended, bombing and burning of churches, use of poison gas, and ill-treatment of women. Reprisals have been threatened by confiscating all Italian property in the country. The Italians on the other hand accuse Abyssinians of using dum-dum and explosive bullets and of all kinds of inhuman practices such as killing prisoners and mutilating the dead. As usual in warfare both sides have probably been guilty of excesses but it seems easier to explain them when committed by primitive tribesmen who have been exasperated and infuriated by a cold

blooded attempt to seize their country than on the part of a nation which pretends to have the civilizing missions and might therefore have reasonably been expected to set an example.

12. From information available here, it is impossible to determine exact line of the present fronts either in the north or in the south but the general situation seems to be as follows:

Northern front. During 10-day battle at the end of January the Italian offensive was successfully stopped in the Tembien region by Ras Seyoum's army. Without necessarily accepting Ethiopian figure, it is said that Italian losses were exceedingly heavy, especially in killed who in all engagements so far seems to have been far more numerous than either wounded or prisoners. Fierce aggressiveness of the Abyssinians in this battle showed not only determination to hold Tembien Massif at all costs but to take the offensive whenever conditions were favorable. Much credit for the victory is given to Dejazmatch Hailukabada who had served under both Ras Seyoum and Ras Kassthe[?].

Immediate result of the battle has been to endanger the Italian salient at Makale, fighting as close as 15 miles west of Makale being reported where the Italian right flank was weakly held. Gheralta region north of Makale had never been really completely occupied by the Italians and they are now being forced to withdraw all their exposed outposts in order to save at least the road to Adigrat. Ras Seyoum is already reported to be astride the Adowa-Makale road and to be in touch with Kassa Sebhat who has been severely harassing the Italian left flank. Makale may thus already be encircled, for the road south is blocked by Ras Mulugeta and the Italians never advanced beyond Shelikot some 15 miles south of Makale. It is now apparent that the Italian base line Aksum-Adigrat became much too short when Makale was taken and that so long as Dejazmatch Ayaleu is not dislodged from the right bank of the Takkaze further Italian advances will always be in danger of having their retreat cut off.

If it be true that Badoglio has now four army corps of about 250,000 men on the northern front it is firmly believed in local circles that at least 100,000 of them are held in readiness for a possible invasion of the Sudan.

(a) Southern front. Fortunately for Ethiopia the spectacular Italian successes on the Ganaledoria River in the second half of January have so far not had any decisive consequences, although at one time the situation looked critical. As Graziani had been clamoring for reinforcements he was apparently given two more divisions in December and should now have about 75,000 men. He, therefore, decided to take the offensive and chose Borana [*Boran*] because it offered relatively easy chances of success, would stop Ras Desta's advance on Dolo and remove his threat to the Italian center column. The latter

had been concentrating near the junction of the Webi Shebeli and Fafan Rivers which led to the belief that the fresh push on Sassabaneh was in preparation. But this was evidently a feint and the real attack came from Dolo. First Ras Desta's advance guard was driven from its entire positions some 40 miles northeast of Dolo and on or about January 12 the Italian offensive in force began in the area between the Ganale Doria and Dawa Rivers. Armored cars and light tanks overcame resistance of Abyssinians and by January 16th road to Ras Desta's headquarters at Negghelli was cleared by using hundreds of trucks. Italian infantry was moved swiftly the 230 miles from Dolo to Negghelli, the latter was occupied January 22nd and 4 or 5 days later some motorized units appear to have reached Wadara.

Principal aim was evidently to reach road from Moyale on the Kenya border to Addis Ababa which in the dry season is practicable for motor traffic. That would have meant direct threat to the capital as no large Ethiopian forces were concentrated there. But the country beyond Negghelli is very broken and thickly wooded, and although Ras Desta's army had been dispersed, it had not been destroyed. The Italians, therefore, were not only unable to reach the main road, but had to withdraw from Wadara. In the meantime Ethiopian reinforcements concentrated in the lake district this side of the Sidaamo Mountains under Dejazmatch Makonnen, Governor of Wolamo, and the scattered forces of Desta are being reassembled after obtaining fresh food supplies from northern Sidaamo. Incidentally the Ethiopian Government claim that lack of provisions had been the main cause of withdrawal.

13. In connection with the fighting on the southeastern front the Ethiopian Government and British Legation deny most emphatically that assistance of any kind had reached the Abyssinians from Kenya. See Department's telegrams numbers 16, January 24, 6 p.m. and 18, January 25, 1 p.m.¹⁷ On the contrary, I learn on good authority that British planes patrolling border are often taken for Italian and fired upon by Abyssinian forces and over 300 of Desta's men who crossed into Kenya were immediately disarmed and interned.

14. Latest reports from the south seem to indicate that Graziani is now preparing thrusts up the Ganaledoria and Webishebeli to Conrad on Joshualo headquarters of Dejazmatch Bayana Merid who recently defeated an Italian force near Imi capturing 6 tanks and 9 machine guns.

15. Summarizing in conclusion my own impressions since last October, I should say that the limited extent of Italian achievements so far must have greatly lessened Rome's hopes of forcing a decision before the real rainy season begins in May. The prospects of the long obstinate struggle which might require further tremendous sacrifices in

¹⁷ Neither printed.

money and human lives and end after all in a stalemate stares the Italian Government in the face. Unless its armies can win a smashing victory and occupy Addis Ababa, it will have to prepare for another year's campaign which would imply keeping the huge Italian army under tents during 5 months of tropical rains, immobilized in a sea of mud and between unfordable mountain torrents. Considering that the cost of campaigning in Abyssinia is reported to amount to about 50,000,000 American dollars a month, the strain on Italian economic and financial resources, not to mention their morale, is likely to become unbearable. There are persistent rumors here that Mussolini would be more favorably disposed to consider compromise suggestions but I am perfectly certain that the only peace proposals the Emperor would today be willing to consider seriously would spell the end of the whole Fascist regime in Italy.

ENGERT

765.84/3849

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

[Extract]

No. 1565

ROME, February 21, 1936.

SIR: With reference to my despatch No. 1550 of February 13th (Italo-Abyssinian Conflict; Military Aspects),¹⁸ I have the honor to transmit herewith additional reports by the Military Attaché to this Embassy¹⁹ regarding the Italian campaign in Abyssinia and related subjects.

Contrary to predictions, the much discussed new offensive in the Abyssinian campaign began from the northern rather than from the southern front. Territorially the advance was modest, only about 16 miles being gained, but from a military point of view the victory is heralded as being the most important of the war, so far. Besides defeating a large Abyssinian army with heavy losses, which Italian estimates place as high as 20,000 including killed and wounded, the Italians are now in a strong strategic position near the approach to the gorge of Mai Mesci [*Ma Meshik?*], on the road to Addis Ababa.

According to reports from Addis Ababa appearing in the Italian press, a council of war is being held in the Ethiopian capital which, it is suggested, may result in the adoption of a radically different plan of defence for the northern front. On the southern front aviation has been active in bombing and dispersing enemy concentrations but no new territory has been occupied. It is supposed that General Graziani is waiting for his new reinforcements to arrive before attempting any further advance.

Respectfully yours,

BRECKINRIDGE LONG

¹⁸ Not printed.

¹⁹ None printed.

765.84/3838 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, March 2, 1936—3 p.m.

[Received 4:05 p.m.]

127. It is unofficially admitted very serious fighting has occurred in the North and that Italian claim that Amba Alagi has been taken may be correct.

Official communiqué denies categorically rumors that Emperor is ill or wounded or that he intends to leave the country.

ENGERT

765.84/3942 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, March 18, 1936—1 p.m.

[Received 4:02 p.m.]

162. Communiqué yesterday once more denies emphatically Italian reports that direct negotiations between Ethiopia and Italy are about to take place. Ethiopian people have never been more firm in their support of the Emperor's decision to decline all negotiations which do not respect letter and spirit of League Covenant.

Italian report that Ras Desta has been dismissed in disgrace and deprived of his titles and honors is without foundation.

Five thousand Azebo Galla tribesmen to whom the Italians had given money, arms and munitions to induce them to revolt against the Ethiopian Government have come to General Headquarters with their arms and equipment and have expressed to the Emperor their devotion to him and the common cause.

On March 16th seven Italian bombers dropped on Korem explosive and gas bombs but without causing victims.

ENGERT

765.84/3964 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, March 20, 1936—11 a.m.

[Received 7 p.m.]

169. Government announces that on March 18 Korem was subjected to intensive bombing with a new kind of gas which causes much suffering.

ENGERT

765.84/3963 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, March 20, 1936—6 p.m.

[Received 7:05 p.m.]

170. Have just received *aide-mémoire* from Ethiopian Foreign Office dated today protesting formally against constant violation by Italy of article XXIII (a) and article XXV of Hague Convention No. 4 of 1907²⁰ and Geneva Protocol of June 17, 1925,²¹ by using asphyxiating gases and bombing civilian populations.

Ethiopian Government reserves all rights under article III of said Hague Convention and appeals to the Government of the United States as one of the signatories of the above-mentioned convention and protocol "to be good enough to take all measure it may deem proper to cause the enemy to desist immediately from the said violations."

ENGERT

384.00/13 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, March 24, 1936—9 a.m.

[Received 5:45 p.m.]

176. On March 21, Governor of Addis Ababa communicated to me text of a notice he had published calling upon Ethiopians to maintain their reputation for hospitality and courtesy by not showing any hostility [to] "foreigners who live among us as our friends" and who are engaged in peaceful work either in the capital or interior. The enemy are only the Italians who are attacking the country. Anybody threatening, insulting, or otherwise offending a foreigner will be severely punished.

The above is evidently merely a precautionary measure as no foreigners have so far been molested.

ENGERT

765.84/3963 : Telegram

The Secretary of State to the Minister Resident in Ethiopia (Engert)

WASHINGTON, March 27, 1936—5 p.m.

101. Your 170, March 20, 6 p.m.

1. The United States signed the Protocol of June 17, 1925, prohibiting use of gases in war, but has not ratified it. Accordingly,

²⁰ *Foreign Relations*, 1907, pt. 2, p. 1204.²¹ *Ibid.*, 1925, vol. I, p. 89.

although Italy has ratified that Protocol and Ethiopia has adhered to it, the United States not being a party to the Protocol is scarcely in a position to use its good offices in the present instance.

2. The United States has ratified the Hague Convention No. 4 of 1907 and Ethiopia has adhered to it. According to our records Italy signed the Convention but has not ratified it. The Convention is not therefore in force as between Italy and Ethiopia and accordingly neither country is under obligation to observe the Convention in respect of the other.

3. Inasmuch as the United States is not a party with both Italy and Ethiopia to either of these agreements it is difficult for this Government to take any measures looking toward the enforcement of their provisions with respect to either belligerent.

HULL

765.84/4035 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, April 4, 1936—8 a.m.

[Received 9 a.m.]

197. Five Italian planes bombed Addis Ababa at 7:30 this morning. Principal objective was flying field about 4 miles outside city where one Ethiopian plane was completely destroyed. No bombs dropped in town itself nor on wireless station and apparently no casualties anywhere.

In driving through streets during the raid I saw no signs of panic and the police were at their posts as usual.

ENGERT

765.84/4036 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, April 4, 1936—11 a.m.

[Received 4:50 p.m.]

198. My 197, April 4, 8 a.m. I now learn four natives were accidentally killed and a number wounded by stray bullets promiscuously fired at the planes by soldiers and civilians. Many natives and some foreigners are making preparations to leave the city and hide in the neighboring countryside.

American colony very calm and has been most helpful to me in connection with certain precautions in the event of a more serious raid.

It is unofficially reported that Jig Jiga was again bombed this morning and that three Italian planes flew over Diré Dawa but without dropping bombs.

ENGERT

765.84/4049b : Telegram

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

WASHINGTON, April 7, 1936—2 p.m.

28. Your 731, October 17, 8 p.m.²² In view of the recent appearance of Italian aircraft over Addis Ababa you may, provided you perceive no objection, remind Mr. Suvich²³ at an early moment of the assurances which he gave you last October that Italy would refrain from bombarding the open towns of Addis Ababa and Diré Dawa. It would seem desirable again to base your remarks upon humanitarian grounds but to omit reference to any representations which your colleagues may have made in this same matter.

For your information. It is understood that the British Ambassador at Rome has been instructed to make representations on this subject.

Likewise if you perceive no objection, please express the hope that Italian military authorities may be advised that in addition to American institutions at Addis Ababa referred to in Department's 154, October 4, 4 p.m.,²⁴ religious, philanthropic and medical institutions having an American character or American personnel are located at the following places in Ethiopian territory: Goré, Dessié, Sayo, Addis Alem, Debre Tabor, Gembe, Soddu, Chinchá, Jiran, Hoseina, Duro-may, Bulke, Marako, Homatcho, Wando and Darassa.

Please report if and when action is taken on this telegram.

HULL

765.84116/97 : Telegram

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

ROME, April 8, 1936—6 p.m.
[Received April 8—1:25 p.m.]

98. Virginio Gayda²⁵ in today's *Giornale* denies categorically the use of poison gas by the Italians in Abyssinia.

LONG

765.84/4056 : Telegram

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

ROME, April 8, 1936—8 p.m.
[Received April 8—2:50 p.m.]

100. Your 28, April 7, 2 p. m. I have brought to the attention of Mr. Suvich the institutions referred to and described in the last part of your telegram and furnished him a list of the names of the places.

²² *Foreign Relations*, 1935, vol. I, p. 895.²³ Fulvio Suvich, Italian Under Secretary of State for Foreign Affairs.²⁴ *Foreign Relations*, 1935, vol. I, p. 892.²⁵ Italian Foreign Office spokesman.

As regards the first paragraph, the British Ambassador called on me this morning to request that I join him in representations to the Italian Government stating that the Belgian, French and German Governments had agreed to do so but that he had not approached Egypt. He also said Lindsay had been instructed to request from you instructions for me to join.

I replied that Suvich last fall had given me definite assurance of their intention to abstain from bombing those open cities (see my 731, October 17, 8 p. m.²⁶); that there had been no violation of that as far as known and the Ambassador himself agreed that the bombing of the airfield at Addis Ababa and the destruction of two planes there was a legitimate operation; that to revert to the same proposal and to again request assurances would indicate that my Government had no confidence in the original assurances of the Italian Government; that was not the case with my Government; and that I thought it advisable to refrain from casting doubt upon the intentions of the Italian Government in the premises by making renewed representations.

LONG

 765.84/4056 : Telegram

The Secretary of State to the Minister Resident in Ethiopia (Engert)

WASHINGTON, April 9, 1936—6 p.m.

133. Department's 122, April 8, 5 p. m.²⁷ Ambassador at Rome reports that he has brought to attention of Italian authorities institutions described in first paragraph of above-mentioned telegram and furnished list of places at which they are located.

He considered it undesirable, however, again to bring up the question of bombing of Addis Ababa and Dire Dawa since the assurances given last October on that subject may be considered to stand. Press reports indicate that British Ambassador requested and received from Italian authorities assurances that those two cities would not be subject to bombing.

HULL

 765.84/4093 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, April 12, 1936—10 p.m.

[Received April 16—4:15 p.m.²⁸]

210. Department's 126, April 8, 8 p. m.²⁷ Apart from the communiqués which have been forwarded to the Department by telegraph

²⁶ *Foreign Relations*, 1935, vol. I, p. 895.

²⁷ Not printed.

²⁸ Telegram in eight sections.

and mail practically no information regarding the situation in the north is available from official Ethiopian sources. What follows is a composite picture obtained from a multitude of unofficial sources both native and foreign with such comment and interpretation of my own as seems reasonably safe. In order to avoid reiteration of certain fundamental aspects the Department is respectfully referred to paragraphs 6 to 10 of my 208, December 5, 10 p. m.,³⁰ paragraph 13 of my 14, January 7, noon, and paragraphs 9 and 10 of my 87, February 12, 9 a. m. [*p. m.*] Please note also that approximate figures for troops given in paragraph 11 of my 208, although very conservative compared to reports current at that time, should in the light of events since then be reduced by at least 30 per cent. In other words it seems unlikely that the total effective Abyssinian fighting force on both fronts ever exceeded 350,000 armed men.

1. Abyssinian tactics during the first 4½ months of the war had dampened Italian hopes of an early and decisive victory and the slow and hesitant operations must have caused disillusionment in Rome. And considering that the diminishing prospects of forcing the decision before the beginning of the heavy rains caused Mussolini's very fate to hang in the balance because of the steady deterioration of Italy's economic and financial situation it is hardly surprising that the Italian High Command [apparent omission] to make some spectacular advances even at the risk of sacrificing sound strategy. The all-important consideration was to impress an impatient public at home and a hostile or at least sceptical public opinion abroad.

2. Events of the past 6 weeks have proved that the decision to force the pace was fully justified for even without taking Italian claims too literally there can no longer be any doubt that the fortunes of war have turned definitely in favor of the Italians. After hammering the Ethiopians continuously since the middle of February, Marshal Badoglio evidently succeeded in striking a series of crushing blows which put the bulk of the Ethiopian armies in the north out of the field.

3. It will be recalled that by the beginning of February the Italian position at Makalle had become precarious and although the Abyssinians had not succeeded in cutting Makalle entirely off from Adigrat they were preparing to besiege it or endeavoring to take it by a frontal attack as evidenced by some sharp skirmishes which took place in its immediate vicinity. In trying to meet this threat from Ethiopian columns converging on Makalle, the Italian commander in chief decided to lengthen his unduly short base line by ordering a general [apparent omission] in three main columns.

³⁰ *Foreign Relations*, 1935, vol. I, p. 689.

4. The Italian left wing consisted of the First and Third Army Corps (both mostly white troops) and to them was assigned the task of clearing the main road leading south from Makalle. They were opposed by Ras Mulugeta, the Minister of War, who is understood to have commanded Ethiopia's largest and best-equipped army including the Imperial Guard. After some fierce engagements which lasted 3 or 4 days, the Italians succeeded in storming of Amba Aradam massif in the Enderta region on February 15. Mulugeta's army fled and although I understand that some 15,000 men under Dejazmatch Mashsha withdrew in good order, no attempt appears to have been made to make a stand. Aderat is said to dominate the region between Antalo and Amba Kasi.

5. It is said that a false report of the Emperor's death which had been spread by the Italians among the Abyssinian soldiers during the attack on Amba Aradam caused several minor leaders to retreat even before an Italian success seemed certain. However that may be, no serious resistance was encountered by the invaders and on February 28 they even took Amba Kasi some 25 miles south of Amba Aradam with practically no opposition. Considering that Kasi was Ethiopia's strongest natural bulwark in the north and had many prepared gun emplacements and entrenchments, it had been expected that the relatively well-equipped forces of Ras Mulugeta and Dejazmatch Wodaju would make a determined stand there. Why this was not done is not clear for the surrender without argument of such an important stronghold could hardly be called a strategic retreat. It may be that hostile Azebu Galla tribesmen chose that moment to attack the Ethiopians in the rear. Also about that time Mulugeta died of pneumonia or some say was killed in a fight with these tribesmen.

6. The Emperor arrived at Quoram from Dessie on March 4 and took personal command of operations. By the end of March he had apparently rallied enough troops not only to stop the Italian advance but to counterattack. This he did on March 31 at Maichio (ceo [*Ma' Cio*] on Italian maps) some 20 miles south of Kasi. But although the Ethiopian army is reported to have fought very well, it was beaten off with heavy losses. The attack failed and the Emperor was obliged to withdraw south with the remnants of his forces. Since then the Italians, reinforced by the Fourth Army Corps, have occupied Quoram April 5 and are now believed to be at Cobbo about 125 miles north of Dessie.

7. While these operations were in progress, equally important developments took place in the center. The victory at Amba Aradam having given the Italians control of the main passes to the Tembien region, Badoglio left the First Army Corps to form the extreme eastern flank of his army along the edge of the plateau and sent most of

the Third Army Corps and the native Eritrean Corps into the Tembien where Ras Kassa and Ras Seyoum evidently intended to give battle, although Kassa had always recommended resistance further south. Kassa's strongest position was near Mount Amba Warkamba just north of Abbi Addi and about 50 miles northwest of Makalle, while Seyoum's forces are believed to have been somewhere near there. With the Italian occupation of Antalo and Mulugeta's defeat, both Ethiopian leaders were in great danger of being cut off. They apparently realized this a little too late and suddenly found themselves caught on two flanks. The difficult Warkamba stronghold was successfully stormed by an *Alpini* division about March 1, and the remainder of the Abyssinian forces were almost surrounded in the Andino region. Although Kassa and Seyoum managed to escape, it is not known how many of their troops succeeded in extricating themselves. It is feared that many of them were destroyed by intense artillery fire and aerial bombing.

8. After the defeat of Kassa and Seyoum which coincided with the occupation of Amba Kasi mentioned in paragraph 5 above—the Third and Eritrean Corps divided. The former is believed to have marched south, i. e., parallel to the Third Army Corps and occupied Fenaroa March 15 and some time later Sokota [*Socota*]; the native army corps moved further west and occupied the heights and passes dominating the Gheva River. This move forced Ras Imru to retire from Shire where he had been threatening the Italian right flank by commanding the principal fords over the Takkaze River. These he was now obliged to abandon but he proved an excellent leader even in defeat and is believed to have saved most of his army intact.

9. The same is probably true of Dejazmatch Ayalu who had [*held?*] the Setit River in the extreme northwest of the country. Upon learning of the Ethiopian reverses further east, he withdrew his army before the Italian Second Army Corps got properly started. The latter advanced in two columns: one along the Sudan frontier via Nogara [*Noggara*] and the other through Wokait and via Adiramoz [*Adi Remoz?*]. Both were practically unopposed, and as the country is not very difficult, they made amazingly rapid progress. A Black Shirt Division entered Gondar about March 31 and a few days later Tsana was reached.

10. Nothing is known here of an Italian advance reported to have been made towards the end of March from Assab across the Danakil desert to Sardo in the Aussa country. Even if true, not much importance need be attached to it from a military point of view, although politically it may indicate that the Sultan of Aussa has been or is about to be bought by the Italians.

11. The situation in the south has not changed much since the Legation's 87, February 12, 9 a. m. [*p. m.*], although Graziani's much

talked of offensive against Jigjiga and Harrar is almost hourly expected. Motor road of about 300 miles from Mogadisho [*Mogadiscio*] to Gorahai including concrete bridge over Webishebeli has been completed and a vast supply depot established at Gorahai which has great strategic importance and commands principal wells in Ogaden. Although both Jigjiga and Harrar have several times been heavily bombed and are practically evacuated, the Italians never once seriously threatened Ethiopian communication with Djibouti or Berbera. Graziani has been reinforced by a division from Italy and a mixed division from Libya and should have over 100,000 men at his disposal. After the monsoons begin on the Indian Ocean late in May the landing of troops and supplies at the open roadstead of the Somali coast becomes very dangerous.

12. Referring again to the situation in the north, I am summarizing below my own views regarding principal reasons for the rapid deterioration of Abyssinian resistance in the face of a determined Italian offensive:

A. The greatest mistake was not to adhere rigidly to earlier guerilla type of warfare of avoiding battle, constantly retreating and making war chiefly on enemy communications. By only fighting rear guard actions as they withdrew, they would of course have yielded ground, but their armies would have remained intact, and, with their remarkable physical endurance and by means of quick night marches, they could have inflicted heavy losses without risking serious reverses themselves.

B. The Italians have proved that scientific warfare with well trained troops can after all overcome formidable obstacles and that modern armaments and mechanical transport must in the long run be of decisive importance when used against primitive and practically untrained hordes with pathetically poor equipment and hardly any supply service.

C. The offensive power of aircraft, when in as undisputed control of the air as in this war, has now been demonstrated. Attacks from the air on a large scale, i. e., with hundreds of planes dropping hundreds of tons of high explosives, were to a great extent able to take the place of artillery preparation where the terrain forbade the use of anything heavier than mountain batteries. Besides planes were always within easy range of Ethiopian troop concentrations, prevented large reinforcements from reaching the fighting line except by night, bombed cattle and pack animals and thus deprived enemy of food as well as of supply trains, while themselves carrying supplies to isolated Italian units. (This was done on a particularly large scale in provisioning the Fourth Army Corps while on the move.) Low flying planes also poured much machine gun fire into every column of Abyssinian troops they could reach without too great risk.

D. Badoglio is said to have great faith in artillery, and concentrated artillery fire was used with telling effect wherever possible, notably in dislodging Kassa and Seyoum (see paragraph 7 above). In February, the Italians started using all kinds of gas—asphyxiating, mustard, and corrosive—in large quantities which had a demoralizing effect on the Abyssinians who had no means whatever of protecting themselves against its ravages.

E. By using road building battalions on unprecedented scale, the Italians were able to move up artillery and supply columns much more swiftly than was expected and thus bring their overwhelming superiority of armament to bear. It is reported that in preparation for the big rains, the Italians are even macadamizing some of the main line roads. Incidentally, it now appears that the unusual rains in January, February, and March have been much less heavy further north and did not interfere with Italian road construction as much as had been hoped.

F. Minor successes had given Abyssinians false confidence forgetting that the Italians had not yet made full use of their best troops. Alpine regiments (see paragraph 5, my 87, February 12, 9 a.m. [*p.m.*]) used to fighting in difficult terrain and acclimatized to high altitudes, appear to have impressed even the natives with their agility and courage. Ethiopians have also been severely handicapped by a lack of capable leaders. Most of the chieftains are quite unconscious of their own limitations, while the feudal type of army permits too little control from the center to organize and coordinate large scale troop movements. Insufficient food and ammunition and the combined effects of high explosive shells, gas, and constant aerial bombings must also have badly shaken their morale. Their losses have been very heavy while the Italians, thanks to artillery and aircraft, were apparently able to avoid large casualties. Both armies complain of abnormal ratio of killed to wounded said to be over 10 to 1—indicating that neither side has shown any mercy.

13. The question naturally arises whether the Ethiopians will find it possible to reorganize their scattered forces in the north and offer any further effective resistance. With the exception of the battle of Maichio (see paragraph 6 above), there is no evidence that the Italian drive has been seriously impeded since the beginning of March. Much depends on whether all main bodies of Abyssinians have actually been destroyed as fighting units or whether they have merely been dispersed. It is reported the Emperor has issued orders that all forces are to be broken up into small units of not more than [a] thousand men which are to operate independently as guerrilla bands against small enemy forces and convoys. If such an order can still be carried out without degenerating into pure banditry, Italy's task of subduing northern

Ethiopia may after all not be any easy one. It is obvious that the difficulties of the invaders increased the further they get from their bases and that even if unopposed the mountainous and almost entirely roadless country is bound to retard their progress more and more.

Besides, the approach of the big rains must be a matter of great concern to the Italian high command, for unless all organized resistance is completely destroyed before the weather breaks no decisive victory will have been won by the time the rains put an end to most military operations. Perhaps the most hopeful factor of all is that not even Italian reports claim that any of the important military leaders have betrayed [the] Emperor and gone over to the enemy.

14. On the other hand, if, as seems likely, the morale of the Abyssinian fighting man has gone to pieces under the recent strain the Italians may be left undisturbed sufficiently long to readjust and improve their communications to the rear and to entrench themselves so thoroughly behind barbed wire, pill boxes and redoubts that it will be impossible to dislodge them after the rainy season. And in the meantime, they will have succeeded in cleansing the occupied areas of any guerrilla bands that may be hiding there and will have intimidated or coaxed the civilian population into submission.

It remains to be seen whether the rapid development and relatively easy Italian successes in the north will make a dictated peace. That Mussolini will exploit his military position to the very limit for political and diplomatic bargaining purposes is certain. He will have the support of the Italian natives in trying to impose the terms of the victor upon the vanquished. The humiliation of Italian defeats of 1896 have now been definitely wiped out and his next aim is the removal of the humiliation of sanctions. Both he and Hitler and Japan before them have demonstrated conclusively that bold moves which puzzled an embarrassed world were a *fait accompli* seem to pay attention.²¹ The unequal struggle which is being waged with machine guns and gas bombs in Abyssinia and endless arguments and tactics in Geneva has bared the real issue with dramatic emphasis: Will the nations of the world sitting in judgment have the perspicacity and courage to uphold the pledged word? If the conquest of Ethiopia can be consummated despite sanctions and the moral condemnation of public opinion the Covenant of the League and the Paris Pact will be robbed of any reality they may have ever had and the relations between nations will continue to flounder in futile and helpless confusion.

ENGERT

²¹ This sentence apparently garbled in transmission.

765.84/4085 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, April 13, 1936—11 a.m.

[Received 2 p.m.]

211. Ten Italian planes flew over Addis Ababa this morning between 9:30 and 10. Coming apparently from the north, they circled over the city at a height of about 7,000 feet but without dropping bombs. They were not fired on from the ground.

ENGERT

765.84/4120 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, April 16, 1936—10 a.m.

[Received 4:33 p.m.]

213. From Military Attaché for the Assistant Chief of Staff, G-2.

"All northern Ethiopian armies have been defeated and are now travelling south in disorder. About April 1st between Maichio [*Mai Cio*] and Lake Ashanghi, the Emperor committed to battle all troops with him and was severely defeated. With him at the time were Ras Kassa and Ras Seyoum and the elements of their armies remaining from the battles of Tembien. The Emperor has retired of the [*with a?*] small group toward Salalie [*Salale*].³² The army of Ras Imru is now scattered in Gojam [*Gojjam*] south in Lake Ovporrigo.

Italians are presumably now at least as far south as Lali Bela [*Lalibela*] and Waldia. The road Waldia-Dessie-Addis Ababa is open except for the fact [that?] north of Dessie the big rains appear to have begun. The Emperor may make a stand at Magdala but has insufficient effective troops remaining, Ethiopians report that Italian troops are now supplied by animal transport.

In the Ogaden, the main food and ammunition supply depot at Harrar has been destroyed by bombing. No definite information of an Italian advance there. Have reliable information that the Italians are still south of Wadera in Sidamo.

Have returned from Dessie after a futile attempt to find my pack train and that of the Dutch Red Cross. Am leaving on next boat from Djibouti. Addis Ababa populace still ignorant of military situation. Antiwhite feeling increasingly strong in north, loyalty to the Emperor has decreased markedly and morale is poor. Meade."

ENGERT

765.84/4136 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, April 18, 1936—9 a.m.

[Received 5:27 p.m.]

219. Alleged United Press report that I had "ordered all Americans to take refuge in the British Legation" is totally devoid of foundation.

³² This sentence apparently garbled in transmission.

No such move is contemplated except as an extreme measure which may never become necessary.

Please caution the press against spreading unconfirmed alarming reports which are sure to be sent out from this capital during the next few days. The Department will be kept promptly informed of all important developments.

ENGERT

765.84/4138 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, April 18, 1936—2 p.m.

[Received 2:45 p.m.]

221. Situation is at present approximately as follows:

The Emperor has decided to remain in the field with a small body-guard and will change his headquarters from time to time as the military situation may require. His present location is kept secret.

The Empress and high officials of the Government including Minister of Foreign Affairs are preparing to leave Addis Ababa within a day or two. At first it was intended they should go to Harrar but it is now more likely that they will proceed to Egypt.

Minister of Foreign Affairs is said to have received or is about to receive full powers from the Emperor to represent the Government in any negotiation that may take place with the Italian Government both as regards armistice and peace.

It is generally expected that Italian troops will occupy the capital in the course of the next week unless purely technical considerations of transport or supplies should delay them. Diplomatic Corps is making every effort to arrange for adequate police during the interval between the departure of the Government and the arrival of the Italian forces.

Diplomatic Corps has as yet taken no decision as regards procedure to be followed in dealing with the authorities of the Italian army of occupation but we shall discuss the subject at a meeting on Monday. It occurs to me that the Department may wish to advise me briefly regarding the technique adopted and approved by the Department with respect to the relations between our Legation in Brussels and the German military authorities before we entered the European war.

ENGERT

765.84/4140 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, April 19, 1936—8 p.m.

[Received April 19—3:40 p.m.]

225. Unofficial reports are to the effect that an Italian offensive has been launched from the southeast, that Jigjiga has been occupied and that Harrar is about to be taken.

Also that an Italian column is marching from Dessie towards Afdem to cut the railway.

Five remaining Belgian officers in employ of Ethiopian Government left by train tonight as they did not wish to fall into the hands of the Italians.

Meeting of high Government officials this afternoon failed to reach a decision regarding departure (See my 221, April 18, 2 p.m.). Some are now in favor of moving Government to Jimma and later towards Sudan frontier.

No resistance is contemplated in order to avoid bloodshed in or near the capital. The Department may wish to inform Rome of this decision.³³

ENGERT

765.84/4162 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, April 22, 1936—5 p.m.

[Received 7:42 p.m.]

231. Crown Prince arrived from Dessie this afternoon with body-guard of about 500 men, having left there immediately prior to the Italian occupation. Latest reports indicate that Italians have not advanced much beyond Dessie and the Ethiopians effectively destroyed considerable portions of the road as they withdrew. Apparently Italians made no attempts to pursue Crown Prince.

As the occupation of Addis Ababa seems now less imminent, the Government has postponed its departure.

ENGERT

765.84/4208 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA [undated].

[Received April 30, 1936—2 p.m.]

253. My 250, April 29.³⁴ The Emperor has been in close seclusive touch with officials of the Government here during the past day or two and is even believed to have spent a night in Addis Ababa. Government had made preparations to leave tonight but is evidently not leaving before tomorrow. The Italians are reported at Debra Berhan about 75 miles from here.

ENGERT

³³ Telegram repeated to Rome in Department's telegram No. 34, April 20, 6 p.m.

³⁴ Not printed.

765.84/4218 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, May 1, 1936—noon.

[Received 4:14 p.m.]

257. My 253, April 30. As the Emperor and Crown Prince are still believed to be in the city reports are current that the Ethiopians may make a last stand some 10 miles to the northeast. If true this would almost certainly cause much confusion and perhaps suffering besides serving no useful purpose. At a meeting of the Diplomatic Corps this morning it was therefore suggested that we should each individually and informally try to dissuade the Ethiopian Government from taking any steps that might lead to fighting in the immediate environs of the capital, basing ourselves solely on humanitarian grounds and to protect our nationals.

The following principal leaders are understood to be here with the Emperor: Ras Kassa, Ras Seyoum, Ras Getat and Fitor Aribirru. If they decide not to fight they will probably leave with the Government tomorrow for the Italians are now only about 50 miles from here.

ENGERT

765.84/4237 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, May 1, 1936—10 p.m.

[Received May 3—9:40 a.m.⁸⁵]

259. My 254, April 30, 8 p.m.⁸⁶ My private audience of the Emperor was a unique experience which confirmed the high opinion I had formed of him. Considering the tragic hour in his country's history he showed remarkable *sangfroid* and conducted the interview with the same gracious unhurried suavity which had always impressed me on previous occasions. His frail body seemed perhaps a trifle frailer and his thoughtful deepset eyes showed a profoundly perturbed soul. But his handshake had its usual firmness and his inscrutable features were lit up by the same winsome smile.

After receiving my letter of credence he said that United States had always been conspicuous by their devotion to certain fundamental ideals and that the President's recent vigorous denunciation of dictatorships⁸⁷ as a menace to individual liberty and international peace

⁸⁵ Telegram in three sections.

⁸⁶ Not printed.

⁸⁷ Apparently a reference to the annual message of the President in Congress, January 3, 1936; for text, see *Congressional Record*, vol. 80, pt. 1, p. 27.

proved that American public opinion shared the desire of the world to see a restraining influence exercised over those who disregard their solemn agreements.

The Emperor said he was perplexed by the strange maneuvers of European diplomacy and the half measures of the League. He realized of course that the stage was set for another European war and that in the present confusion arising from Germany's defiance of Locarno Ethiopia's fate is relegated to a secondary place. But he found it difficult to understand British inconsistencies and France's inability to see that if Italy had been checked in time Germany would never have dared to follow in her footsteps.

Ethiopia could easily have been saved by the application of oil sanctions which would have forced Italy to abandon the war. He now saw clearly that his faith in the League was not justified and that though his advisers who had urged him to attack Italy before she could complete her preparations had probably been right in this country the powers had permitted everything to drift to such lengths that a catastrophe was inevitable.

Referring to the possibility of a cessation of hostilities he said that the thought of peace at any price was intolerable to him. He had no intention of capitulating in the face of a premeditated murderous assault and the rumors of his imminent departure from the country were entirely baseless. He would remain and go on fighting so long as one Abyssinian soldier was left to help him. But of course he had always been and was now ready to submit to any peace proposals within the framework of the League and the spirit of the Covenant.

As I took leave the Emperor held my hand in his while he said, "Convey my greetings to your President and tell him the fate of my country may serve as a warning that words are of no avail against a determined aggressor who will tear up any peace pacts whose terms no longer serve his purpose".

I was deeply moved by the whole interview and in submitting this report I cannot help expressing the hope that when the proper time comes it may be possible for us to exert such moral influence as we possess in favor of an equitable settlement that upholds as far as may be feasible international morality rather than international crime. Having seen this nation and its ruler in their dire extremity I cannot believe that Italy will be permitted to dictate terms based solely on her recent victories. Surely the time has come for plain speaking for if unilateral denunciation of treaties are tolerated not only collective security but collective civilization will receive a blow from which they may never recover.

ENGERT

123 EN 3/435

The Minister Resident in Ethiopia (Engert) to the Secretary of State

No. 133

ADDIS ABABA, May 2, 1936.

[Received June 5.]

SIR: I have the honor to acknowledge the receipt of the Department's instruction No. 55 of February 11, 1936,³⁸ with which the Department was good enough to enclose the Letter of Recall of my predecessor and my own Letter of Credence as American Minister Resident and Consul General to Ethiopia.

Upon receipt of this instruction I addressed a Note (No. 38 of March 18, 1936) to the Minister of Foreign Affairs, transmitting a copy of the President's letter and requesting an indication of the time and place which His Majesty the Emperor might wish to designate for the presentation of my Letter of Credence. But as the Emperor had left Addis Ababa for Dessie last November and had since then established his headquarters even further north, I was verbally informed that an audience would be arranged as soon as he returned to the capital.

As stated in my telegram No. 214 of April 16, 11 a.m.,³⁸ it did not seem advisable for me to seek an audience of the Emperor either at Dessie or General Headquarters, so that I could only wait until I was informed that His Majesty was in town.

This opportunity did not present itself until April 30, 1936, when the Emperor—who had arrived clandestinely in the early hours of the morning—sent for me at 6 p.m. This summons was all the more unexpected as only very few people knew of the Emperor's presence because of the danger that Italian planes might take advantage of the fact and bomb Addis Ababa. (See the Legation's telegram No. 254 of April 30, 8 p.m.³⁸)

That the Emperor should have remembered my wish to present my credentials and that he should have taken the time—amidst the confusion which reigned and which presaged his last public appearance—to receive me and to chat with me as if he had all the time in the world, would seem to be the best proof that Haile Selassie I is a very remarkable personage and deserves all the encomiums that have been bestowed upon him.

I was received in private audience in one of the small throne rooms of the Old Ghibby at 6:30 p.m. My conversation with the Emperor lasted about twenty minutes and was reported in my telegram No. 259 of May 1, 10 p.m. I need only add here that our interview was in French and, contrary to the Emperor's usual practice, took place without the aid of an interpreter.

Respectfully yours,

C. VAN H. ENGERT

³⁸ Not printed.

765.84/4231 : Telegram

The Chargé in Italy (Kirk) to the Secretary of State

ROME, May 3, 1936—noon.

[Received May 3—9:30 a.m.]

118. The newspapers this morning published from London, Paris, Washington and Djibouti, foreign news agency despatches regarding the Emperor's departure from Djibouti and the situation in Addis Ababa.⁴⁰ The United Press report of the message received by the State Department from the American Minister is printed in full.

Foreign Office officials say that they have no reports on conditions in Addis Ababa other than those published in the press this morning although the statement was made that Italian troops had already reached the city. According to information supplied by the War Ministry, however, Badoglio is not expected to enter Addis Ababa until this evening or tomorrow morning but if necessary attempts may be made to land troops in the city by airplane in spite of danger from anti-air fire. It is understood that no instructions are being sent to Badoglio as regards the measures to be taken upon the occupation of the city as those matters are being left to his judgment. Contrary to reports previously circulated the use of native troops in the occupation of the city is not contemplated.

KIRK

765.84/4230 : Telegram

The Chargé in Italy (Kirk) to the Secretary of State

ROME, May 3, 1936—1 p.m.

[Received May 3—9:30 a.m.]

119. I am informed that in view of the reports of the situation in Addis Ababa the French Ambassador here is making representations to the Italian Government asking that the entrance of Italian troops into Addis Ababa be expedited in order to restore order. The British Ambassador has received no instructions to make similar representations and in reply to an inquiry I have stated that this Embassy has received no such instructions.

Foreign press correspondents who were received by Mussolini at noon today following a ceremony report that he stated that Addis Ababa had not yet been taken but that the entrance of the Italian troops might be expected shortly. He added that the situation had changed and that now foreign governments wanted the Italians to reach Addis Ababa as soon as possible.

KIRK

⁴⁰ For further details on the situation in Addis Ababa following the withdrawal of the Ethiopian Government on May 2, see pp. 254 ff.

765.84/4239 : Telegram

The Chargé in Italy (Kirk) to the Secretary of State

ROME, May 4, 1936—10 a.m.
[Received May 4—7 : 28 a.m.]

121. According to information obtained from War and Air Ministries this morning no important military developments have taken place during the last 24 hours in the Italian advance on Addis Ababa. Askari troops are said to be in the neighborhood of the city and it has even been reported that they have been there for several days. The military authorities here state, however, that they are being held there as a threat and will not enter the city unless conditions there become desperate. It is also stated at Air Ministry that it has so far been impossible to land plane in the city owing to hostile gun fire and the conditions of the landing field. Badoglio's column of white troops is said to be held up by the destruction of the roads and bridges and by the heavy rains and officers at War Ministry would not commit themselves as to the time when he may be expected to reach the city. According to reports received up to present, Badoglio was about 30 miles from the city last night.

The impression continues throughout the city here that the capture of Addis Ababa may be announced at any moment and that there may be important declarations at the reopening of the Chamber this afternoon.

Repeated to Geneva.

KIRK

765.84/4280 : Telegram

The Chargé in Italy (Kirk) to the Secretary of State

ROME, May 5, 1936—6 p.m.
[Received May 5—2 : 10 p.m.]

129. Military Attaché who called at War Ministry at 5:30 this afternoon was told officially that the white troops of Marshal Badoglio's column had reached the outskirts of Addis Ababa and were being organized preparatory to the entry into the city tomorrow morning. Unofficially it was stated that word had been received that an Italian truck column of white soldiers had passed the British Legation outside Addis Ababa on its way to the city and that this column was being sent in advance to restore order.

KIRK

765.84/4820

The Minister Resident in Ethiopia (Engert) to the Secretary of State

No. 135

ADDIS ABABA, May 5, 1936.

[Received July 10.]

SIR: Referring to the Legation's despatch No. 128 of April 24, 1936,⁴¹ with which there was enclosed a broadcast speech by the Empress Mennen, I have the honor to transmit herewith, in translation, two statements made to the Press by the Empress on April 22 and 23, respectively, and one statement by Princess Tsahai, her 17-year-old daughter.

The statements of the Empress are said to have been drafted in part by the Emperor, while the one made by Princess Tsahai—who speaks English and French quite fluently—is reported to embody almost entirely her own ideas. All three are rather remarkable documents and are forwarded to the Department as part of the documentary history of Ethiopia's most tragic hours. It is possible that they are not readily available elsewhere as the government radio station was so overburdened at the time that they may not have been telegraphed in toto.

What the Empress and her daughter meant to convey—couched in the calm and measured terms which have been so characteristic of all Ethiopian official utterances during the conflict with Italy—was that their country was war-weary from the struggle between utterly unequal forces and that their poorly armed soldiers were being annihilated by a great Power which had every advantage—including poison gas—that science and modern equipment could provide.

In recording these last pathetic appeals for help from a proud and ancient dynasty I cannot refrain from adding a few comments of my own regarding the hopeless failure of the League of Nations to save a member State.

While it was hardly likely that Ethiopia could expect complete satisfaction from the League, even the most skeptical observers were not prepared for the unedifying spectacle of seeing the League supinely permit an aggressor nation to exterminate its victim. A truly extraordinary situation has developed. Italy's invading armies have seized an enormous territory from a fellow-member of the League; they have bombarded and destroyed some of Ethiopia's largest towns; they have killed tens of thousands of Ethiopian soldiers, and many thousands of defenseless civilians—besides committing the unspeakable atrocity of using poison gas against them; and they have wrecked and burned millions of dollars worth of property. And yet no practical assistance of any kind has been forthcoming under the terms of the Cove-

⁴¹ Not printed.

nant of the League which had been devised to cover precisely such a situation.

Ethiopia has been bewildered by the fluctuating character of the news from Europe. The attitude of the League and of the Powers individually evidently underwent several changes, but each time their policy appears to have become more conciliatory to Italy's aspirations. Instead of trying to prevent the war of aggression or, if that proved impossible, to bring about a cessation of hostilities at the earliest possible moment by a resolute stand in favor of more stringent sanctions, the League seems to have been anxiously looking about for some way out that would save its face. That this produced a ludicrous discrepancy between fair words and real actions in Geneva does not seem to have mattered to the governments represented there.

A profound feeling of pessimism and disillusionment therefore began to creep over Ethiopia when it became known that no oil embargo would be imposed on Italy, even though it was obvious that a complete embargo on the principal raw materials was bound to strangle Italy and would have forced her to withdraw her troops from East Africa. This was followed by the Hoare-Laval proposals^{41a} and Flandin's peace offer—both moves of singular ineptitude—which seemed to be merely plays for time to delay as long as possible, and ultimately to prevent, the application of an oil embargo without interfering with Italy's campaign in Ethiopia. All this dilly-dallying played directly into the hands of Italy and demonstrated the futility of a policy of sanctions as faint-heartedly applied by the League. As far as Ethiopia was concerned the League had practically ceased to function and the recriminations between members of the League in the Ethiopian crisis have made a mockery of the Covenant.

Small wonder then that Ethiopia felt herself betrayed and abandoned by the whole civilized world. Being completely unable to understand the cynical maneuvers of European diplomacy her faith has been shaken in the sanctity of international law and morality. She sensed dimly that the Powers were too preoccupied with the crisis in Europe to defend a great international principle in the abstract, and that so long as Ethiopia's independence was not a vital national interest to, say, Great Britain and France it was vain to hope that a collective war would be waged against the peace-breaker. But even the untutored mind of an Abyssinian must have grasped the truth that if an instrument of so-called collective security cannot safeguard peace in Asia or Africa it can hardly be expected to safeguard peace in Europe. For it seems certain that if the path of the aggressor had been successfully blocked in Manchuria and in Abyssinia, the challenge of a remilitarized Germany could have been much more easily met.

^{41a} See British Cmd. 5044, Ethiopia No. 1 (1935), pp. 16 ff; see also *Foreign Relations*, 1935, vol. I, pp. 699 ff.

Whatever excuse the troubled atmosphere and the stark realities of European diplomacy might furnish for running away in the face of Mussolini's defiance, the acquiescence of the world in a new and unprovoked aggression is sure to have unpleasant repercussions. Apart from the fact that the black races will wonder whether the white man's flexible idea of justice is quite honorable, Western civilization cannot stand if the tearing up of treaties to satisfy the fantastic whims of dictators is not checked. We—including the United States—must all prepare to face the issue: so long as ruthless nations in the Far East or in Europe can bank on the pusillanimity of the law-abiding nations it is futile to expect the dawn of a new era in international relations. The peoples of the world are gradually realizing that a war of aggression is a wrong inflicted upon the whole community of nations. But no abject surrender to wrongdoing will ever make the world safe against the organized and refined form of barbarity to which we have just been treated in East Africa.

Respectfully yours,

C. VAN H. ENGERT

[Enclosure 1—Translation]

*Statement Made by the Empress of Ethiopia to Foreign Newspapers
at Addis Ababa, April 22, 1936*

"In this, the most critical hour of my country's history and while we are fighting against the most tremendous odds, I once more turn to the Press of the world in the hope of finding a channel through which we may state our case. There is yet time for those who desire justice to put an end to this most unjust of wars, this most immoral aggression against the rights of an independent and inoffensive people. All those who respect the principles which are intended to regulate the relations between nations must hide their heads in shame and indignation at the unfair and unequal treatment from which my country has suffered.

"For many months before the Italian Government began this war—but while its intentions were already clearly known—the transport of troops, war materials and munitions (including poison gas and aeroplanes) to the territories adjoining Ethiopia, was carried out on a large scale without a single practical effort on the part of any Power to prevent these flagrant preparations for the violation of international agreements.

"Nor is that all. For while Italy was thus arming, Ethiopia herself was denied by an embargo imposed by the other powers the right to arm herself for her own defense. And even after a criminal act of aggression by Italy this embargo remained in force. The result was that our soldiers were obliged to leave for the front—where they had to meet a heavily armed enemy—only inadequately equipped

with rifles, many of which were obsolete, and with swords, spears, and even sticks. The raising of the arms embargo came much too late to enable our armies to receive the equipment and military supplies at a time when they would have been most effective in enabling us to meet the attack."

[Enclosure 2—Translation]

Statement Made by the Empress of Ethiopia to Foreign Newspapermen at Addis Ababa, April 23, 1936

"Even after the League of Nations had unanimously denounced Italy as the aggressor, Ethiopia experienced innumerable difficulties in securing the arms and munitions to which she had an indisputable right.

"And yet, notwithstanding the overwhelming superiority of equipment of the Italian armies, the latter failed for many months to make any notable advance against our soldiers. The Ethiopian soldier made up for his inadequate arms by his bravery and skill as a warrior. Even machine guns and tanks were overcome and captured and heavy aerial bombardments did not stop our advance or break our front.

"It was only when the enemy resorted to that most devilish of all means of attack, by dropping poisonous and corrosive gases from the air—indiscriminately upon men, women, children and cattle—was he able to break through our lines and to secure any advantage.

"The enemy has won his advantage by means which are not only the foulest affront to humanity, but are a violation of the international agreements which he had signed with other Powers. Even if the sufferings of our defenseless people do not arouse compassion to the extent of bringing about action to stop this horror, the flouting of solemn treaties should surely be a ground for such action by all. Today the enemy is raining the foul products of his civilization on the hamlets of our distant country. What assurance is there that a similar terror will not soon descend upon the populous cities of Europe?

"Only collective agreement can protect the nations against aggression such as we are now suffering. My country is fighting for the independence to which she is entitled and which is guaranteed by the Covenant of the League of Nations, of which she is a member. We are not yet defeated and, come what may, we shall use every weapon we possess in defending to the end our just cause.

"Proud of our armies and the noble struggle our entire people is making, I ask for assistance by the enforcement of agreements which the justice of our cause demands. The postponement of action, on whatever grounds, at this decisive moment has the effect of favoring our enemy. We regret that even today the consideration of the application of further sanctions is being opposed by certain members of the

League of Nations. I therefore appeal to France, the emblem of Liberty, Equality and Fraternity, and to Great Britain, the defender of Freedom and Justice for all races, and to the whole world to abandon all further delay in saving my country from her ruthless adversary."

[Enclosure 3—Translation]

Statement by Princess Tsahai, Daughter of the Emperor of Ethiopia, to the Press at Addis Ababa, April 27, 1936

"In the name of Heaven, do help us! Get something done that will really harm the Italian armies and not merely the Italian people. I wish you would make use of your numbers and power to organize mass meetings and prepare petitions in all parts of every country. Rally your brothers and sons and induce them to use their massed strength to oblige their Parliaments and rulers to take action.

"I do not ask you to do this for purely selfish reasons. No, we are only a small race. But I am seventeen and I know as well as you do, that if the world permits armies and gas to destroy my country and people, civilization itself will likewise be destroyed. We clearly have a common cause, you and I.

"Why, therefore, does not everybody do something to ward off this common danger to humanity, this agony and death by bombs, shells, and gas, before it entrenches itself in the world as it has here, presently, to spread with fatal effect to your homes and your menfolk, too? Italy's aggression and her use of gas have set humanity a test. If you fail to help us now, we shall all perish together.

"If, instead of reading the papers and exclaiming how terrible it all is, you banded yourselves together and gave your governments no peace until they had taken effective action, you would surely get something done to save us all. That is why I urge you to hold meetings, send urgent petitions and write to all the leading men of your countries from Presidents, Chancellors, and Prime Ministers down. You should make your governments feel the weight of the power which is behind you. Keep on until they act, for they will have to take action. Only do be quick!

"They can, through their representatives, concentrate on Rome the odium of world contempt. They can, if made to through their representatives or the League, summon Rome immediately to destroy all its stocks of filthy gas in Africa, and then proceed and get the stocks destroyed in Europe and elsewhere. They can, if made to, call upon the League immediately through the Committee of Eighteen, to prevent the sale of war materials to Italy.

"All these things they could do quickly—but only if *you* make them. Do not wait until they start talking again on May 11, but make them do it now. Although we have but few modern weapons to help us,

still we are doing our best; but if you do not help quickly with all your might, gas and aggression will have been found to pay, and will have taken such root in 'civilized' human conduct that you, too, will, like us, be overtaken by death.

"We are grateful for the sanctions which most of your countries have adopted. They may help, but obviously they alone are not enough. Therefore, in the name of Heaven, join together in getting something done that will really help us before it is too late."

765.84/4300 : Telegram

The Chargé in Italy (Kirk) to the Secretary of State

ROME, May 6, 1936—6 p.m.

[Received May 6—2:05 p.m.]

133. Foreign Office officials inform me that order has been established in Addis Ababa and that all measures for the protection of foreigners have been taken. They state that the details of the provisional administration of the recently occupied territory have not yet been determined but it is understood that all military powers are vested in Badoglio and that Bottai, Governor of Rome, who is with the Italian forces, has been named a frontier governor to administer the city of Addis Ababa.

In the course of conversations with Foreign Office officials the information was volunteered that although the chiefs of mission at Addis Ababa could not be recognized as accredited representatives they and the members of their legations would be given diplomatic privileges as a matter of courtesy and such facilities as are usual in the case of a military occupation. The officials added that as a matter of practice the diplomatic representatives there would have the *de facto* status of consuls and that the situation was simplified by the fact that many of the diplomatic officers in Addis Ababa had consular rank also.

Repeated nowhere.

KIRK

765.84/4310 : Telegram

The Chargé in Italy (Kirk) to the Secretary of State

ROME, May 7, 1936—10 a.m.

[Received May 7—8:03 a.m.]

135. The Italian Government official newspaper agency reports that order has been restored in Addis Ababa. A police force of Cara-

bineers, infantry and fast motor units has been created, the local police have been organized under Italian command, Italian guards have been stationed around the French and American Legations at their request. All legations have been found intact. A war tribunal was instituted, all undesirable elements are being eliminated, supplies are being organized through shipments from Djibouti and utilization of local stocks. All auxiliary units of the motorized columns as well as the Eritrean forces have entered the city. Relations between the Italian authorities and Europeans as well as natives are reported excellent.

Press editorials continue to stress the fact that Ethiopia is now Italian and as such would be defended against any contestant, that there is no question of any negotiations with the Negus and that peace prevails to the deep satisfaction of the natives. There is no mention of reported Italian diplomatic representations to London and Paris or discussion of the form of government to be imposed.

KIRK

765.84/4308 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, May 7, 1936—11 a.m.

[Received May 7—10 : 20 a.m.]

305. Detachment of about 50 French Senegalese troops arrived yesterday from Djibouti to guard railway station but left today as no longer needed. Five hundred have been at Diré Dawa for several days and have received instructions to prevent all rioting when Ethiopian authorities depart. Harrar is expected to be in Italian hands in a day or two.

ENGERT

765.84/4332 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, May 8, 1936—11 a. m.

[Received 7 : 22 p.m.]

315. Ethiopian authorities have departed from Harrar and as Italians have not yet arrived there, a situation has arisen similar to that just experienced in Addis Ababa. British Consul at Harrar with guard of 20 Somalis is endeavoring protect foreign nationals or evacuate them to Diré Dawa. No Americans at or near Harrar.

ENGERT

884.001 Selassie I/318 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, May 9, 1936—2 p.m.

[Received 4: 50 p.m.]

322. While we were at the British Legation on May 5, the Minister informed me in strict confidence that the Emperor had sent for him the same day, he following me, *id est* April 30 (see my 254, April 30, 8 p.m.⁴² and 259, May 1, 10 p.m.) and told him his family would shortly be leaving for Palestine. I gathered from Sir Sidney's remarks that it was then intimated to the Emperor from London that he could probably best serve his country by leaving with his family and proceeding not only to Palestine but also to Europe. This suggestion was accepted and on May 4, entire imperial family embarked in Djibouti on H.M.S. *Enterprise*.

British Minister tells me a certain amount of friction arose between London and Paris with respect to the Emperor's transportation from Djibouti but that the French Government finally acceded to British wishes.

In order to assist me in keeping the Department promptly informed of views of my colleagues regarding the present situation kindly repeat to me such reports as may be available to you as to developments in the Ethiopian question in Europe.

ENGERT

884.001 Selassie I/320 : Telegram

The Consul General at Jerusalem (Morris) to the Secretary of State

JERUSALEM, May 11, 1936—2 p.m.

[Received 2: 20 p.m.]

As far as can be ascertained the wish of Emperor of Ethiopia to visit London preparatory to laying his case before the League is not supported by the Foreign Office. If officially discouraged he will apparently take a house here giving ill health as reason for nondeparture. Can now confirm that London ordered that there be no official reception at Jerusalem and considered Negus incognito.

MORRIS

⁴² Not printed.

765.84/4821

The Minister Resident in Ethiopia (Engert) to the Secretary of State

No. 139

ADDIS ABABA, May 12, 1936.

[Received July 10.]

SIR: With further reference to my telegram No. 259, May 1, 10 p.m. and despatch No. 133 of May 2, 1936, I have the honor to transmit herewith a copy of an editorial article entitled "Into Exile" which appeared in the *Times* of London on May 5, 1936,⁴³ and which gives an unusually good picture of the character and spirit of the Emperor Haile Selassie. These views are shared by practically every fair-minded person that has had the privilege of coming in contact with him.

In order to complete the records of the Department in this connection I am also quoting below what is probably the last public utterance of the Emperor before he went into exile. It was made to the Press on April 30th, the day he received me:

"Do not the peoples of the world yet realize that by fighting on until the bitter end I have not only been performing my sacred duty towards my own people, but have been standing guard in the last citadel of collective security? Are they so blind that they cannot see I have been facing my responsibilities to the whole of humanity?"

"I wanted with all my heart to hold on until my tardy allies appeared. But if they never come then I say to you prophetically and without a trace of bitterness 'the West is doomed'".

A truly great ruler and a polished Oriental gentleman has passed from the scene of world politics, and it will be extremely difficult to find his equal among the backward peoples who are striving toward progress and enlightenment.

Respectfully yours,

C. VAN H. ENGERT

384.11/147 :Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, May 17, 1936—9 a.m.

[Received 6:15 p.m.]

350. My 339, May 14, 10 a.m.⁴⁴ The Marshal told me in conversation that his convoys between here and Dessie were still being attacked and that he had to send two regiments back from Addis Ababa to keep the road open. There has also been a serious attack on Italian troops at Addis Alam 25 miles west of the capital. Marshal's son

⁴³ Not reprinted.⁴⁴ Not printed.

states that Debra Markos is not yet in Italian hands and they have apparently no news from Lalabella [*Lalibela?*]. I also learn that advance to Lake Tsana was made with only 4,000 men which is of course utterly insufficient for any effective occupation.

I, therefore, doubt very much whether the Italians can move large forces into the southern provinces where most of our missionaries are until after the next rainy season by which time I fear that entire area comprising over a third of the Empire will have fallen a prey to brigandage and rapine.

ENGERT

765.84/4700 : Telegram

The Chargé in Italy (Kirk) to the Secretary of State

ROME, June 22, 1936—6 p.m.

[Received June 22—3 : 50 p.m.]

226. Following observations submitted by Major Fiske, Assistant Military Attaché to the Embassy, who has just returned from a 2 months' tour of Ethiopia.

"There is no organized armed resistance to the Italian forces. All of the Tigre and the major portion of Gojjam including Gondar, Lake Tana [*Tsana?*] and Debra Marcos, is quiet and completely under Italian administrative control. The Ogaden is likewise completely pacified and is returning to normal. The Wallo for a time caused considerable trouble. The local chiefs refused to surrender to the Italians and kept up a rather effective resistance sniping and raiding truck columns and isolated working parties. This resistance has now been put down and the Wallo too is returning to normal. This country is on the direct air route between Addis Ababa and Asmara and recently even the firing at airplanes has ceased.

Harrar, Diré Dawa and Jijiga have been occupied and the commercial life of the cities restored but some remnants of Ras Nasibu's army are still in the mountains north of Harrar and west of Harrar and are interfering with the road building and with the traffic on the roads between Jijiga, Harrar and Diré Dawa. While I was there a raiding party struck an engineering detachment working on a bridge between Harrar and Jijiga killing 6 and wounding 20. The military governor of this region General Nasi has recently taken over at Harrar. He has a division of Libyan troops and I believe that he will soon be able to force the disarmament of the few remaining guerrillas.

The area about Neghelli north of the Kenya frontier is not as quiet now as it was several months ago. The Italians have a force of about 15,000 men at Neghelli and this force has to be constantly on the alert to protect itself and to protect the air field which is about 20 kilometers from Neghelli. Movement between the air field and the town of Neghelli a distance of 20 kilometers is made only under escort. General Geloso has been appointed military governor of the Galla and Sidamo area and is preparing this force at Neghelli for movement into the Lake country to complete its pacification. At the same time another

column from Addis Ababa is to be moved southwest on Jiren (in Jimma). Operations from Neghelli will probably be directed first upon Mega on the Kenya frontier and then north on Allata. These movements will be made regardless of rain and as soon as the necessary supplies can be gotten up.

The Italian forces at Neghelli and also at Harrar and at Gondar have been preparing for possible action against the Kenya, British Somalia, and the Sudan in the event that the Suez Canal should be closed but now that the possibility of continued sanctions against Italy seems rather remote they can devote their entire efforts to the immediate task of pacification and in my opinion it will not take them very long to accomplish it probably not more than 2 or 3 months".

Major Fiske will forward complete report to War Department.

KIRK

765.84/4936

*Memorandum by the Chief of the Division of Near Eastern Affairs
(Murray) to the Secretary of State*

[WASHINGTON,] July 21, 1936.

MR. SECRETARY: The attached document⁴⁵ is a copy of the final report of Captain John Meade, for several months our Military Attaché at Addis Ababa. You will not, of course, wish to take the time to read this report in full, but the following points may be of interest:

One. Captain Meade states that the size of the Ethiopian forces has been greatly exaggerated. He estimates the total number of Ethiopians in the field at 118,000. This is a mere fraction of the estimates which have been received from other sources. In view of the small number of troops available it is perhaps not surprising that the Italian forces, which consisted of half a million men, were able to reach Addis Ababa at such an early date.

Two. Captain Meade gives a graphic picture of the complete lack of training of the Ethiopian forces and the woeful absence of equipment and supplies.

Three. Captain Meade in more than one place in his report definitely establishes the use of poison gas by the Italians. Thus, on pages 24-25 he writes as follows:

"The Ethiopians themselves used no chemical agents, not even the simplest, such as smoke or poisons. The effect of gas from Italian bombs was very marked, largely due to the ignorance of the native soldiers. As far as I know, mustard gas was the only type used, and although it was effective, it was not so persistent as might be expected. This may be attributed to the rare atmosphere, and the very hot sun of the Ethiopian climate. All gas observed was dropped in bombs, although there were uncorroborated stories of it being sprayed from airplanes."

⁴⁵ Not printed. This document was returned to the War Department.

Again on page 32 he states:

"Mustard gas was used with increasing frequency during the last three months of the war, but only in areas less than a day's march from where the ground troops were in contact."

Again on page 33, in referring to the various kinds of Italian bombs observed, Captain Meade writes:

"1. Bombs of approximately 20, 50, 100 and 200 kilos, filled with H. E.⁴⁶ These are all quite thin-walled, and break up into many small fragments. They have no markings.

"2. One hundred and two hundred kilo bombs filled with mustard gas. Unlike the H.E. bombs they had painted markings. One found was marked as follows:"

Captain Meade points out that since the Ethiopians lacked the ability to drive enemy planes away they soon learned the necessity of dispersion as a means of preventing heavy casualties. He goes on to say:

". . . This is the principal reason why up to the time Italy began to use gas, very few Ethiopian casualties were caused by bombs. The rate of casualties by gas bombs was at first a good deal higher than it became later. This was caused by the ignorant desire of the Ethiopians to examine the hole made by a gas bomb where it had detonated. They afterward learned of the persistent effect of mustard gas around such a crater. It seems that the effectiveness of mustard gas in this war was less than might be expected in America or in Europe. There are two possible explanations for this. In the high altitude near the Equator, where the sun is very hot and the atmosphere very dry, the rate of evaporation is so high that effective concentrations are not maintained for a sufficiently long time. The Italians got no advantage from the foggy days in the mountain valleys, because they did not fly in such weather, and did not use artillery to produce gas concentrations. Another reason for what I consider to be the comparatively few casualties is the extraordinary physical resistance of the Abyssinian soldier to vesicants. I have seen men still carrying on with burns or wounds that would certainly incapacitate if not kill a white man. I believe they are also excessively resistant to lung and eye irritants as the result of their habitual life in smoke-filled dirty tuculs whose only ventilation is the door opening."

His final comments with respect to the use of gas read as follows:

"It is my opinion that of all the superior weapons possessed by the Italians, mustard gas was the most effective. It caused very few deaths that I observed, but it temporarily incapacitated very large numbers and so frightened the rest that the Ethiopian resistance broke completely. It is possible that the Ethiopians could have lasted for at least two years had they pursued the delaying tactics recommended to them but they were sure to have lost in the end. They certainly did not help themselves by their refusal to listen to the advice and

⁴⁶ High explosive.

take the services of the Belgian and Swiss officers whom they had employed. Before the end of the war all these men had either been dismissed from the country or were virtual prisoners in Dessie or Addis Ababa. They were given no command and had no contact with any of the military activities in the country."

Four. Captain Meade's conclusions regarding the future of Ethiopia, as stated below, are also of interest :

"The future of Ethiopia cannot accurately be predicted. The first task the Italians have if they honestly intend to make a productive colony is the creation of a serviceable road net. Until this is done the country will remain savage and tied to pack transportation and it will also be necessary for the Italians to maintain a very large police garrison. After completing this road net success will depend on the method of administration adopted. If the success of a government may be measured by the contentment of the people governed, the Italians have so far failed to produce good colonial administration either in Eritrea or Tripoli. Tigre is full of people who have fled there from Eritrea because they were dispossessed of their property, or for other reasons. There, one hears many stories of the methods used by the Italian governors in running their districts which can only be described as atrocity tales. Regardless of the percentage of truth in these stories their existence indicates a social condition which is disturbing and unsatisfactory. General Graziani, now Viceroy of Ethiopia, has a well established reputation for excessively cruel administration of the natives of Tripoli.

"It is my belief that future success in Italian administration of Ethiopia as a colony or possession must be based on a fundamental change in their methods. The Ethiopian is by nature too proud to accept an iron-handed government without objection, and he is sufficiently intelligent that contact with white men will instruct him in the more successful methods of revolt."

WALLACE MURRAY

765.84/4929

Memorandum by the Assistant Chief of the Division of Near Eastern Affairs (Alling)

[WASHINGTON,] July 23, 1936.

Mr. John H. Spencer, an American citizen who for several months acted as adviser to the Ethiopian Foreign Office, called today to recount some of his experiences at Addis Ababa. He stated that he obtained his post through the recommendation of Professor de la Pradelle,⁴⁸ who had been requested by the Ethiopian Government to recommend an adviser of Swiss, Dutch or American nationality. Mr. Spencer arrived in Addis Ababa early in January and immediately

⁴⁸ French citizen, member for Ethiopia on the Italian-Ethiopian Commission of Arbitration; see *Foreign Relations*, 1935, vol. I, pp. 594 ff.

was put to work drafting the numerous diplomatic messages having to do with the Italo-Ethiopian situation. Upon being asked the reason for the apparent divergent views between the Ethiopian Government and the Ethiopian delegation at Paris on certain of these matters, Mr. Spencer said that this arose as a result of the disregard of the Ethiopian Government's instructions by Professor Jèze, Legal Adviser to the Ethiopian delegation. He said that Professor Jèze was a very opinionated person and that on more than one occasion he had altered instructions which had been sent to him in presenting notes and memoranda to the League and to other governments.

Asked about the alleged attempts of the Italian authorities to contact the Emperor through Athens and Djibouti, as mentioned in a recent memorandum of the Italian Government,⁴⁹ Mr. Spencer said that these allegations were correct. He and the other American adviser, Mr. Colson,⁵⁰ had little information regarding the attempt made to arrange a meeting between Ethiopian and Italian emissaries at Athens, but they thought that efforts may have been made by the Italians to contact the son of the Ethiopian Minister of Foreign Affairs who was in Greece during the spring. Mr. Spencer said that he knew something more of the attempt made through Djibouti to bring about a meeting between Italian and Ethiopian emissaries. Apparently the Italian agent was a certain Arab who contacted Mr. Colson at Alexandria where he was then staying to recuperate from over-work and illness. This contact was made late in March, but for some unknown reason the Arab agent was unable to obtain a visa to go to Addis Ababa. Nevertheless he evidently continued his efforts to reach the Emperor and even tried to see him after the Emperor had gone to Jerusalem. According to Mr. Spencer's information, this Arab agent had authentic credentials to make preliminary negotiations. The basis of the negotiations was to be an Italian protectorate over Ethiopia with the Emperor nominally retaining his throne and being given a substantial civil list by the Italian Government. Both of these efforts to establish contacts ended unsuccessfully, with the results already known.

With respect to the departure of the Emperor from Addis Ababa on May 2, Mr. Spencer said that it had of course been known for some time previously that the Italians would enter Addis Ababa some time during the early part of May. Preliminary plans had been made to move the Government to Goré in western Ethiopia, and Mr. Spencer had even gone so far as to purchase animals with which to make the trip. All during the week beginning April 27 Mr. Spencer and other officials were prepared to leave on a moment's notice, and with the

⁴⁹ See telegram No. 242, June 30, noon, from the Chargé in Italy, p. 173.

⁵⁰ Everett A. Colson, financial adviser to the Ethiopian Government, appointed in 1930.

arrival of the Emperor in Addis Ababa on April 29 it was expected that the date of departure would soon be set. Mr. Spencer made efforts several times each day during that week to find out the Government's plans, but he was always met with an evasive answer. In this connection he said that the Ethiopian officials displayed the most appalling inertia in the face of a most critical situation. When Mr. Spencer awoke on the morning of May 2 he found that the Emperor had left by train at four o'clock in the morning. This train had been prepared for the use of the Empress, and the Emperor's decision to accompany her to Djibouti was evidently a sudden one. Asked as to who might have influenced the Emperor to make the decision to leave the country, Mr. Spencer said he was definitely of the opinion that this was brought about by the Empress and by Ras Kassa.

At Geneva and later at London both Mr. Spencer and Mr. Colson urged the Emperor to return to Ethiopia to continue the struggle. In this connection Mr. Spencer said he felt that the British Government might be able to put forward a plausible explanation if they permitted the Emperor to return to Goré through the Sudan. Apparently no decision had been made as to the Emperor's movements at the time Mr. Spencer left London about a week ago. To his last inquiry as to whether the Emperor would return he was told "Maybe", which he interpreted as being "No".

Mr. Spencer was definitely of the opinion that the rapid advance of the Italians during the last few weeks of the war was due almost entirely to their use of mustard gas and other poisons. He said that the use of this gas began about March 1st, and that thereafter the Italians had little difficulty in going forward. He stated definitely that gas was sprayed from airplanes with most destructive results. In addition, he asserted that he had been told by the Emperor that the Italian forces had poisoned the waters of Lake Ashangi near the Emperor's field headquarters by dropping from airplanes large barrels of poison. He felt that even if the Emperor returned to Goré where there was a semblance of government he could not hope to make any headway against the Italians as long as they continued the use of poison gases.

884.014/41

*Memorandum by the Chief of the Division of Near Eastern Affairs
(Murray)*

[WASHINGTON,] July 25, 1936.

Mr. John H. Spencer, formerly adviser to the Ethiopian Ministry of Foreign Affairs, told me yesterday that the Anglo-Ethiopian Boundary Commission, which was surveying territory in the vicinity

of the Ethiopian-British Somaliland boundary at the time of the Wal Wal incident in 1934, was established as a result of lengthy secret negotiations between Great Britain and Ethiopia. On the Ethiopian side these negotiations were carried out in large part by Mr. Everett Colson. The negotiations were unknown to any of the other foreign advisers in Ethiopia and were equally unknown to all but a few high Ethiopian officials. According to Mr. Spencer the negotiations envisaged the transfer of a large area of Ethiopia to British Somaliland. I asked Mr. Spencer if these very negotiations might not have been the factor which precipitated the Wal Wal incident. In this connection I pointed out that if the Italians had any information that the British were actually seeking to obtain Ethiopian territory they (the Italians) might have felt that it was necessary for them to take immediate and drastic action to prevent such a cession. Mr. Spencer said that this was the natural conclusion, but he seemed to doubt whether the Italians were actually aware of the negotiations. However, in view of the excellent Intelligence Service which the Italians maintained in Ethiopia, it is hardly possible that they would not have known of such negotiations.

Mr. Spencer also stated that on at least two occasions prior to the Wal Wal incident the Emperor had endeavored to induce the British Government to declare a protectorate over Ethiopia with his (the Emperor's) concurrence.

WALLACE MURRAY

765.84/5068 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, October 12, 1936—10 a.m.

[Received 3:45 p.m.]

585. My 583, October 10, 2 p.m.⁵¹

1. It appears that a freight train was derailed by a small band of Abyssinians who escaped. Train service was reestablished yesterday.

2. This incident on the eve of the arrival of the Italian Ministers for Colonies and Public Works has greatly embarrassed and annoyed the Italian authorities who believed that with the end of the rainy season such attempts were no longer possible so near the capital.

3. Preparations are now being hastily made to extend the Italian occupation west and southwest of Addis Ababa. Ras Hailu whom the Emperor had imprisoned for disloyalty is being used by the Italians to head a band of about a thousand Ethiopians to act as a vanguard. Accompanied by a body of Askaris with white officers they

⁵¹ Not printed.

arrived at Addis Alem some 30 miles due west about September 17th. But shortly afterwards Ras Hailu returned to the capital injured by a fall from his mule but according to some with a bullet in his leg.

4. Six Italian planes flew to Lekempti a few days ago after the Italian authorities had made sure that the local Galla governor Habte Mariam was no longer hostile. The planes are reported to have returned safely.

5. A large motorized column is soon to start for Jimma. As in the case of Ras Hailu a native Moslem chieftain Abba Jobir grandson of a sultan of Jimma has already been sent on ahead with some 800 Mohammedan followers.

ENGERT

765.84/5084 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, October 20, 1936—10 p.m.

[Received October 21—6:20 p.m.]

600. According to Italian reports, a pitched battle has recently taken place in Sidamo between large Ethiopian forces and the Italian troops, which have been gradually advancing from the Sitka since my telegram 446, June 30, 8 p.m.⁵³ After severe fighting which lasted the better part of a day, the Ethiopians are said to have been routed leaving several hundred in killed and wounded.

I shall endeavor to obtain more details.

ENGERT

765.84/5090 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, October 23, 1936—3 p.m.

[Received 7:32 p.m.]

608. I hear from an excellent first-hand source that Dejazmatch Wanda Wassan, eldest son of Ras Kassa, and brother of Aberra mentioned in paragraph 4 of my 479, July 18⁵³ and later in telegrams rose against the Italians in August in the province of Lasta northwest of Magdala. He had simulated submission to the Italian authorities and had been given a command in Lasta with headquarters at Lali-bella where he gave effective protection to our missionaries Mr. and Mrs. Oglesby. But since the end of August he and a considerable body [of] followers have been in open rebellion and fighting occurred near

⁵³ Not printed.

Lalibella as recently as October 1. The Italians have confiscated or destroyed all his properties and are rushing reinforcements into the region between Sokota and Lalibella where the bulk of his forces are in hiding.

Oglesbys apparently well and remaining at their station.

ENGERT

765.84/5096 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, October 27, 1936—4 p.m.

[Received October 28—5 : 54 p.m.]

615. Italian communiqué states that 1500 Ethiopians, including 600 regulars under Dejavaz Fikre Mariam, were yesterday defeated in the region of Dabacojo some 35 miles southeast of Addis Ababa. After violent fighting the enemy was dispersed leaving 321 killed among whom Fikre Mariam himself.

It is also announced that on October 24 the Italian column under Colonel Malta entered Lekemti.

ENGERT

II. Efforts of the League of Nations and of France and the United Kingdom To End Hostilities, January–May 9, 1936

765.84116/28 : Telegram (part air)

The Consul at Geneva (Gilbert) to the Secretary of State

GENEVA, January 7, 1936—noon.

[Received January 8—1 : 07 p.m.]

2. 1. The Secretary General has circulated a communication addressed to him on January 3 by the Ethiopian Government which requests that the League through the Committee of Thirteen as the competent organ appoint a commission of inquiry to investigate alleged illegal methods of warfare by the two belligerents. Am mailing text.⁵⁴

2. So far as I have been able to ascertain here no meetings related to the dispute are expected to be held prior to the ordinary Council meeting scheduled for January 20.

3. Unless otherwise instructed, I am not in general reporting by telegram in regard to each communication to the League concerning alleged instances of illegal warfare.

GILBERT

⁵⁴ For text, see League of Nations, *Official Journal*, February 1936, p. 240.

765.84/3373 : Telegram

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

PARIS, January 9, 1936—11 a.m.
[Received January 9—9:20 a.m.]

19. Léger⁵⁵ told Marriner⁵⁶ yesterday afternoon that he thought there would be little or no action when the nations met again at Geneva on January 21. It was his opinion that matters would be delayed pending the results of the debates in the American Congress in order to see how the neutrality legislation was going to be ultimately framed.

Marriner asked him if he thought that this was in accord with Eden's⁵⁷ ideas and Léger said that the French Ambassador in London was of the opinion that Eden felt it absolutely essential to ascertain whether any neutrality legislation passed would class nations undertaking the enforcement of sanctions or the punishment of the declared aggressor as belligerents and equally deny them along with the aggressor the benefits of trade in arms and material of war such as oil. He said that de Laboulaye⁵⁸ had been instructed to ask for information on the attitude of the American Government in this matter. He seemed to feel that unless the President were given some discretionary authority in the application of embargoes there would be little hope of further action in Geneva to increase or alter the present sanctions in force against Italy.

Whether this would mean that the demands of the small powers for increased severity against Italy which are apt to arise in Geneva are to be met by England and France by an effort to put the entire blame for inaction on the United States seems to be one aspect of the question. The other appears from Léger's comment to arise from the French opinion that the Abyssinian venture from a military point of view is a flat failure which is becoming increasingly evident every day. He said that their information is to the effect that motorization has utterly broken down in that area; that the wear and tear on material, the difficulties of transporting sufficient motor fuel and the great distances involved have apparently not been taken into the Italian calculations so they now find themselves unexpectedly engaged in hand to hand fighting in which they have no advantage whatever over the Ethiopians. With this military set-back Léger felt that Mussolini had at the same time utterly failed to take advantage of any of the peace offers made to him and added that in

⁵⁵ Alexis Léger, Secretary General of the French Foreign Office.

⁵⁶ James Theodore Marriner, Consul General at Paris.

⁵⁷ Anthony Eden, British Secretary of State for Foreign Affairs; formerly Minister without Portfolio for League of Nations Affairs.

⁵⁸ André de Laboulaye, French Ambassador in the United States.

his opinion whatever successes Mussolini might have had as an internal administrator in the course of his regime he had never yet shown himself an able diplomat. Therefore he could only envisage a solution through some change in regime when the facts become appreciated and if the powers retain sufficient patience.

STRAUS

765.84/3384 : Telegram

The Ambassador in the United Kingdom (Bingham) to the Secretary of State

LONDON, January 9, 1936—5 p.m.
[Received January 9—2:10 p.m.]

10. 1. As far as one can judge now the outlook of the former Minister for League Affairs since he has assumed the greater responsibility of the Foreign Office is tempering and he appears to be reaching the conclusion that a negotiated peace is the practicable way out of the impasse. I am informed that he is apprehensive of the increasing menace of Germany.

2. There are at present no indications of a British intention to reduce their fleet in the eastern Mediterranean or in the Mediterranean as a whole. The Naval Attaché of this Embassy reports that the tendency has been towards a slow increase to which the prospective movements of the British and French fleets as announced by the press yesterday are no exception. Specific reference is had to prospective departure middle of January of *Nelson, Rodney, Furious, Cairo* and 21st destroyer flotilla from England for Gibraltar, ostensibly to relieve vessels there and prospective departure of French second squadron from Brest 14 January for Atlantic cruise to arrive Casablanca 18 January and prospective departure of French first squadron 20 January from Toulon for Mediterranean maneuvers. These movements are the first tangible manifestation of Anglo-French naval cooperation.

BINGHAM

765.84/3422 : Telegram

The Minister in Egypt (Fish) to the Secretary of State

CAIRO, January 11, 1936—1 a.m.
[Received 3:25 p.m.]

2. Important reinforcements of British mechanized military units arrived in Egypt this week. I learn from reliable source that by the middle of next month British troops in this country are expected to be considerably in excess of existing strength. Divisional headquarters

for the forces stationed the western desert have been established at Alexandria under the command of Major General Howard, recently arrived. Reenforcement and strengthening of the principal British base in the western desert at Mersa Matruh is proceeding apace.

FISH

811.04418/115: Telegram

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

ROME, January 13, 1936—11 a.m.
[Received January 13—6:42 a.m.]

23. Editorials criticising the President's address⁵⁹ for the most part ceased last Thursday although occasional headlines or wording of news despatches contain some continuing comment.

The amendment made in the neutrality bill⁶⁰ by the Senate Committee is received with satisfaction. The Foreign Office spokesman said editorially yesterday that while final decision depends on Congress the amendment indicates that the United States is not disposed to reverse its neutrality policy and to extend embargoes to general trade with belligerents. "The oil question is here sharply defined. For the moment there is no further talk of limitation. And it is noteworthy that this definition follows upon the intensive propaganda carried out in America by England who has spared no means of influencing the United States to support her policy to obtain an oil embargo."

Such a policy, he says, would amount to indirect participation in the war and would also be an act of partnership, in that it would affect only a [*in?*] part countries deprived of raw materials and not those such as England, Russia and France. "It now remains to be seen whether the sanctions committee at Geneva will reflect the negative attitude of the United States or will attempt to act independently. With or without oil sanctions Italy can unquestionably provide for all her requirements. But it must once more be stated that an oil embargo would extend sanctions from the economic to the military sphere." The arms and munitions embargo even if partially applied can in a way be regarded as the application of an international neutrality principle established prior to and independent of the League;

⁵⁹ Message of the President to the Congress, January 3, 1936, *Congressional Record*, vol. 80, pt. 1, p. 27.

⁶⁰ At this time no amendments had been made. This is probably a reference to the provisions of the newly proposed neutrality bill upon which the Senate Committee on Foreign Relations had commenced hearings in secret sessions on January 10, 1936. See *Neutrality: Hearings before the Committee on Foreign Relations, United States Senate, 74th Cong., 2d sess., on S. 3474* (Washington, Government Printing Office, 1936). This bill, however, was not adopted. The 1935 legislation on neutrality with amendments was extended for one year. See *Congressional Record*, vol. 80, pt. 2, p. 2306, or 49 Stat. 1152.

but an oil embargo would be an application of League law exclusively and have a character of unconcealed hostility. "In substance the alteration in the oil trade with Italy while it would not change her military raids [*sic*] would represent a further alteration of League policy in her regard and would thereby make a reconsideration of her positions necessary."

LONG

765.84/3463 : Telegram

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

ROME, January 17, 1936—noon.

[Received January 17—9:05 a.m.]

26. I talked to Mr. Suvich⁶¹ yesterday evening. Concerning the League meeting on the 20th, he expects no new proposals for peace, no oil embargo, no extension of sanctions, but thinks it possible the League may send a commission of inspection to Ethiopia. They expect very little in the way of diplomatic development. He appeared to be perfectly unconcerned about the movements of the British fleet. He said Italy was withdrawing two more divisions from Libya for the expeditionary force in East Africa. These would not be replaced in kind but a smaller number of troops constituting a mechanized unit would be sent to Libya instead of the two divisions departing.

The Naval Attaché has just returned from Taranto where is assembled the larger part of the fleet. He reports a very high state of efficiency and an entire preparation for any immediate emergency, with a high morale amongst the men and a calm and unexcited attitude on the part of the officers.

As a whole the officers of the Government and the people are calm, composed, and determined to proceed with the African venture and apparently not disturbed by any prospects of interference from outside.

LONG

765.84/3471 : Telegram (part air)

The Consul at Geneva (Gilbert) to the Secretary of State

GENEVA, January 17, 1936—3 p.m.

[Received January 19—9:27 a.m.]

9. The outstanding characteristic of the Italo-Ethiopian question from the Geneva point of view on the approach of the Council meeting, is that among the various separate elements which govern the situation there is as yet no emergence of a relationship in terms of possible action.

⁶¹ Fulvio Suvich, Italian Under Secretary of State for Foreign Affairs.

1. The Secretariat position is that the matter of an oil embargo should come up during the Council in contemporaneous meetings of League bodies. I am told that the Secretariat plan is that Vasconcellos⁶² will inquire in the Committee of Eighteen whether there are any objections to the extension of the sanctions to oil, coal, iron and steel and that failing objections a date will immediately be set for their going into effect.

The Secretariat had envisaged as a point of departure for such action American neutrality legislation which they thought would become effective before the convening of the Council. Now, however, feeling that Congress may not have completed its action prior to these meetings the Secretariat authorities describe the situation as more "uncertain" and have inquired of me as to the action which the League might best take to conform with or to have the most favorable effect on American policy. I have naturally declined to comment on this aspect of the question but merely reiterated the independent character of American policy.

2. More general indications, however, point to the oil question not being raised or at least that no definite material action will be taken. It is possible that a committee will be appointed to consider the matter. The situation suggests that Great Britain will not desire, nor France permit an external excuse being presented to Mussolini to take hostile action in the European sphere. The present tendency would seem to be for the issue to remain static awaiting material developments. This is governed partly by a growing belief here derived from a number of sources that the tide has turned against Italy, either that a substantial victory as a bargaining point had become less probable or in any event even in the case of a transient military success that the financial and economic state of affairs [in] Italy together with the physical difficulties of the campaign will prevent an attainment of Italian objectives. Should material developments become substantially favorable to Italy a new situation would in any event be presented.

3. I am inclined to believe that the procedures of the forthcoming sessions of League bodies will be confined to giving technical consideration to the degree of application of existing sanctions and that these will remain in force. The problem is being more and more discussed nevertheless as to whether failure to extend sanctions may not have the psychological effect of producing a slackening in the enforcement of existing sanctions in certain states with the ultimate result of a dissolution of the system. In discussing the matter with me various delegates are increasingly emphasizing the material losses which their countries are sustaining in the application of sanction measures.

⁶²Augusto Vasconcellos, Portuguese delegate to the League and Chairman of the Committee on Sanctions.

4. On the other side of the picture is the question of the commitments which Great Britain may have obtained from France and from certain Mediterranean states under the mutual support provisions of article XVI.⁶⁸ Nothing definite is apparently yet known here concerning the character and significance of the recently reported London-Paris arrangements. The Greek Minister tells me that he believes London's *démarches* in Belgrade, Athens, and Ankara were along identic lines. He does not know whether the replies were an agreement in principle or envisaged specific action. In respect of principle he believes that the replies mentioned paragraph 3 of article No. XVI but that in each case special reserves were made in some form respecting paragraph 2. On the material side he understands that German trade relations have been established. The important point remains, however, whether these developments have the purpose of increasing the general pressure on Rome, whether they are protective or whether they are steps in eventually forcing military conclusions with Italy.

The Turkish and Yugoslav Ministers in their conversations with me imply that Great Britain has granted certain trade compensations to their states in association with the matter of mutual support.

The Spanish here are extremely reticent even as to whether London made a similar *démarche* at Madrid. They state that in any event their Government's policy is not yet formulated.

5. There are rumors that certain of the small states, Denmark and Sweden being particularly mentioned, may support the Ethiopian request for the despatch of a commission of inquiry (Consulate's number 2, January 7, noon). It does not seem probable, however, that the League will take such action.

GILBERT

765.84/3473 : Telegram (part air)

The Consul at Geneva (Gilbert) to the Secretary of State

GENEVA, January 17, 1936—4 p.m.
[Received January 19—9:33 a.m.]

10. Continuing my No. 9, January 17, 3 p.m., I learn from an entirely reliable source that a responsible Italian official here in private conversations speaks frankly of the perilous situation in which he believes his country is placed both through its internal situation and in its military position in Ethiopia. He states that "as far as he felt possible" he had urged Rome to accept the Laval-Hoare proposals

⁶⁸ See footnote 49, p. 141.

as, on the assumption that Addis Ababa would not accept them, at least offering the tactical advantage of placing Ethiopia in the posture of recalcitrance to a "peace move." He deplores the continued policy of Mussolini of presenting an optimistic picture to the Italian people as inviting a greater catastrophe for Italy in their ultimate, and in his mind, inevitable disillusionment.

Nothing definite emerges here respecting the various "peace proposals" mooted in the press. However I am reliably informed that, not to be confused with the Ethiopian request to the League for a commission to investigate illegal warfare, Rome recently made informal soundings in London and Paris for the setting up of a commission on the order of the Lytton Commission⁶⁵ in the Sino-Japanese affair but that London refused to consider any plan not including cessation of hostilities. This Italian move is supposed to be linked in intent at least with the Laval plan of procedure reported in my number 673, December 21, noon,⁶⁶ paragraph 3, and would presumably be equally unacceptable here for the same reasons.

There are rumors that Mussolini is now really looking for a pretext to back down even to the extent, it is asserted in some quarters, of welcoming an oil embargo as offering the excuse that Italy cannot combat the world.

If the situation of Italy is as adverse as is believed here I venture to suggest that moves by London and Paris having as their possibly disguised aim to "save" Italy may be looked for.

GILBERT

765.84/3470 : Telegram

*The Chargé in the United Kingdom (Atherton) to the
Secretary of State*

LONDON, January 18, 1936—noon.

[Received 12:50 p.m.]

27. The series of Cabinet meetings, many of which were in conjunction with the Committee of Imperial Defence, held during the past week, have formulated the stand which Eden will take at Geneva. The Foreign Secretary's speech last night⁶⁷ cast light on this position; for one who in the past has spoken so loudly about the sanctionist aspect of the League, Eden was eminently "safe". In brief, he outlined a League that must have elasticity as well as strength, and added that in the immediate crisis "it would be helpful if the Council in near future could review the situation, take stock of recent events, and appreciate the point we have now reached".

⁶⁵ See League of Nations, *Appeal by the Chinese Government, Report of the Commission of Enquiry* (Geneva, October 1, 1932).

⁶⁶ Not printed.

⁶⁷ Speech made to the Engineering Employers Association at Warwick, January 17.

The British Government continues to be "the prisoner of its own words" (see my 468, September 25, 2 p.m. and 510, October 10, 8 p.m.⁶⁸). Since the popular demonstration which caused Sir Samuel Hoare's resignation, it has been increasingly realized by those responsible for British foreign policy that whereas the methods employed by Hoare were faulty, the general aim of his policy was substantially right.

As has been so often repeated from this Mission, the menace of Germany constitutes the main preoccupation of the responsible services of the Government. The politicians, although in agreement, are nevertheless aware of the importance of the League of Nations sentiments which have been evoked in this country, and are faced with the problem of effecting a practical solution without offending those sentiments. In fact Eden himself in a private conversation remarked that the cooperation which he had been promised from certain countries was "almost embarrassing" incidentally in view of the fact that other countries were already beginning to seek their pound of flesh from London in the Danzig situation. It will also be noted that Eden's speech contains no reference to sanctions. The Foreign Office frankly states that it is apprehensive over the French internal position, particularly in this connection, and it is also emphasized that it cannot now be determined when American neutrality legislation will be made effective by Congress and that in any case Italy now has sufficient supplies of oil on hand to carry her through the rainy season.

The growing importance in Eden's mind of the German menace was briefly referred to in my 10, January 9, 5 p.m., and he emphasizes this in the opening lines of his speech when he refers to "the emergence once more of a strong Germany claiming for herself the right to rearm." An analysis of his speech reveals a League policy which stresses the importance of a collective policy, incidentally to be used in the present crisis, but which purposefully is to be a threat against a future aggressor, possibly Germany. Mr. Eden goes on to emphasize that only through a collective system is the way open to an arms agreement. In other words, he is preparing the British public for the rearmament of Great Britain the full extent of which can only be determined as the government and the popular mind are able more and more to appreciate the weakness or strength of the Geneva collective system. Such a statement from Eden should satisfy public opinion, eliminates embarrassment to the politicians and yet permits an immediate embarkation on all those phases of rearmament that the Crown services are demanding.

Copies by post to Paris, Rome and Geneva.

ATHERTON

⁶⁸ Neither printed.

765.84/3495 : Telegram (part air)

The Consul at Geneva (Gilbert) to the Secretary of State

GENEVA, January 20, 1936—3 p.m.
[Received January 22—8:45 a.m.]

15. The League Secretariat has circulated a communication from the Italian Government dated January 16,⁶⁹ continuing its allegations of Ethiopian atrocities and use of dumdum bullets.

It concludes with the statement that these are "being reported to the International Committee of the Red Cross for necessary action."

I now learn from Red Cross officials that they consider these matters as regulated under The Hague Convention⁷⁰ and to be outside the Committee's competence. They have, nevertheless, telegraphically informed the Ethiopian Red Cross and its own representatives in Ethiopia of the receipt of the Italian Government's communication.

GILBERT

765.84/3491 : Telegram

The Consul at Geneva (Gilbert) to the Secretary of State

GENEVA, January 21, 1936—noon.
[Received January 21—9:32 a.m.]

19. The Secretariat has circulated the text of a note from the Ethiopian Government under date of January 20⁷¹ reiterating the chief elements of the Ethiopian position. The note was apparently written on the assumption that the Committee of Thirteen might attempt during the current Council session to find a basis of conciliation under its mandate of December 19⁷² "to examine the situation as a whole." The note expresses a willingness to assist the Committee but insists on being kept informed of its discussions. Presumably as a warning against any procedure similar to the Hoare-Laval plan the notice reaffirms the Ethiopian position in regard to past agreements among the powers relative to Ethiopia and declares that any settlement must conform to the principles laid down in the Committee's report of October 5.⁷³

GILBERT

⁶⁹ League of Nations, *Official Journal*, February 1936, p. 242.

⁷⁰ Convention Respecting the Laws and Customs of War on Land, *Foreign Relations*, 1907, pt. 2, p. 1204.

⁷¹ League of Nations, *Official Journal*, February 1936, p. 256.

⁷² *Ibid.*, January 1936, p. 14.

⁷³ Adopted by the Council of the League on October 7, *ibid.*, November 1935, pp. 1605-1619.

765.84/3494 : Telegram

The Consul at Geneva (Gilbert) to the Secretary of State

GENEVA, January 21, 1936—2 p.m.

[Received 3:55 p.m.]

20. I now learn from a Council member the chief developments which took place in a secret meeting of the Committee of Thirteen held yesterday in the Italo-Ethiopian affair.

My informant characterized the tone of the meeting as hesitating and inconclusive both in respect of the more fundamental matters discussed and in respect of the positions taken. Five aspects of the question were considered, (1st) the request of Ethiopia for financial assistance (Consulate's 577, November 5, 11 a. m.⁷⁴), (2d) the request of Ethiopia for a Commission of Inquiry respecting illegal warfare (Consulate's 2, January 7, noon), (3d) the matter of conciliation, (4th) the question of sanctions and [(5th)] mutual position of the League vis-à-vis the whole question were discussed.

(1) The granting of financial assistance was unanimously opposed both for technical reasons (the treaty⁷⁵ which Ethiopia had cited not being in force) and for political reasons. Bruce⁷⁶ pointed out that any entering upon the path of assistance was extremely dangerous inasmuch as Ethiopia might ask for financial assistance today and military assistance tomorrow.

(2) The sending of a Commission of Inquiry on illegal warfare was considered as not falling within the province of the League, the statement being made that "the purpose of League was to stop a war and not to observe a war". Eden suggested that this might be undertaken by some other organization perhaps the Red Cross.

(3) A lengthy discussion took place on the question of the Committee's functions with respect to conciliation at the present time.

Madariaga⁷⁷ pointed out that the only new information available since the last meeting was that composed in the notes received from Italy and Ethiopia. He inquired what the Committee should do with reference to the matter raised in the Ethiopian note of January 20 (Consulate's 19, January 21, noon).

Titulesco⁷⁸ stated that the Committee should decide whether its fundamental mission was one of conciliation. Madariaga felt that the function of Committee was to consider the whole affair. With this Eden agreed and stated that in consequence they must consider if any

⁷⁴ Not printed.

⁷⁵ Convention on financial assistance to states victims of aggression; for text, see League of Nations, *Official Journal*, November 1930, p. 1649.

⁷⁶ S. M. Bruce, Australian delegate to the League.

⁷⁷ Salvador de Madariaga, Spanish permanent delegate to the League of Nations.

⁷⁸ Nicolas Titulesco, Rumanian permanent delegate to the League of Nations.

possibility existed of taking an initiative to put an end to the conflict. If there was the Committee should pursue it. If not it should so state.

Titulesco agreed in principle but felt that it would be dangerous to leave the impression with Italy that the whole question was again under consideration which might imply that the League's action in declaring an aggressor and in enforcing sanctions was not a final judgment. He felt that the work of the Committee was a matter for the future and not for the past or present. In consequence the Committee might report to the Council that it could not pronounce on the Hoare-Laval plan which had not obtained the approval of the parties and that it had no suggestions to make respecting conciliation.

Beck⁷⁹ agreed, feeling, however, that the Committee should state that it was ready to consider all proposals for conciliation.

Eden felt that the initiative in conciliation could not be taken by the League which could only act in response to the two parties. There was no material on hand for conciliating and the Committee of Eighteen should pursue its work.

Laval disagreed entirely with Eden's attitude. The position which he had taken with Hoare in Paris in the evolution of plan had not changed. He did not wish to revive the plan but he wanted to make clear that its purpose was to reach a conciliation before the reinforcement of sanctions. He felt that the situation was precisely the same as it was at the time of the plan and that it would be most dangerous for the League to assume the position that the moment was not opportune for conciliation.

(4) Eden stated that some order had to be established in the work of the League on the relationship between the questions of sanctions and mutual assistance and referred to the diplomatic conversations which had taken place respecting the latter. He felt that the states which had agreed to mutual assistance should present individually a report to the Council for its information.

There was no response to this suggestion on the part of the other members of the Committee but it was apparent from the attitude of some that these remarks aroused uneasiness.

(5) Bruce discussed in particular the position of the League at the present juncture. At the beginning of the conflict public opinion felt that the League was only an ideal but was helpless in the face of action taken by any great power. The application of sanctions had changed opinion and it was felt that the League could accomplish something for collective security. At present there was the question in many minds whether an extension of the economic sanctions would

⁷⁹ Joseph Beck, Polish Minister for Foreign Affairs, taking the place of the permanent Polish delegate on the Council.

produce reactions which would result in a new conflict. The League was thus faced by two dangers, (a) public opinion of the world that it could not stop the war, (b) consequences which might arise should the League apply the letter of the Covenant. He suggested that great attention should be given to the possible results of the application of slow pressure.

The Committee decided to meet again to adopt a resolution⁸⁰ which it was understood would include only subjects mentioned in paragraphs (1), (2) and (3) above, the remaining subjects not being within the competence of the Committee.

GILBERT

765.84/3521 : Telegram

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

GENEVA, January 23, 1936—8 p.m.

[Received 9 p.m.]

363. It seemed clear from the outset of this Council session that no decisive action on the Italo-Abyssinian question could be expected because of the sickness of the King followed by his death⁸¹ and because of Laval's precarious situation which has resulted in his resignation. On the other hand, the fact emerged that since the Hoare-Laval episode had occurred immediately before an anticipated decision on an oil sanction; and because Mussolini had uttered threats against its application, the sanction itself had become a symbol of the determination of the League, vis-à-vis Mussolini. Hence, it was felt that something should be done to demonstrate that the matter was still alive.

In discussing the setting up of an Expert Committee to examine the efficacy of such a sanction, Eden said Litvinoff proposed to adjourn the work of that committee until the attitude of "other producing countries" could be ascertained. Eden said that this, of course, meant the United States in the mind of his hearers and that he did not want the committee to take any such action as would appear to be predicated on that of the United States, and he feared that it might be embarrassing to us. As the alternative, he urged that the committee meet at an early date and examine the possibilities in the light of different hypotheses. He hoped that Mr. Hull would understand his motive in trying to avoid any action by the League predicated on ours.

Aloisi tells me that he is making no wild statements about what will be done if the oil sanction is applied but that if Italy feels itself about to be strangled it will have to take violent measures to prevent strangulation. There are evidences from other Italian sources that the threat

⁸⁰ For the text of the Committee's report to the Council, January 23, 1936, see League of Nations, *Official Journal*, February 1936, p. 106.

⁸¹ George V of England, who died January 20, 1936.

of hostilities in answer to the imposition of the oil embargo is being less insisted upon. Eden feels that the application of this sanction is really dependent upon the conclusions of the Expert Committee as to its efficacy. Several of the delegates have told him they think it essential to impose it if investigation shows its practicability. In any case the delegates have no desire to hurry on this matter and are all anxious to see the course of our neutrality bill before determining their action. While they presumably will avoid direct reference to American legislation, such legislation will, nevertheless, be considered a basic factor in determining the efficacy of a contemplated oil embargo. I believe that I sense a diminution in the determination to "punish" Italy which raises some doubt in my mind as to whether the oil sanction will be applied even if found to be efficacious.

As to the possibilities of conciliation Aloisi tells me that he, himself, recognizes that after the demonstration of the British people on the Hoare-Laval proposal presumably neither Great Britain nor France will be willing to take the initiative except through League organs. Italy now recognizes that steps toward conciliation must be made through the League, and his presence here now, he says, participating in the normal work of the Council is an indication that such procedure would not be displeasing to Italy. He expressed the hope that after the French elections and the cessation of hostilities through the beginning of the rainy season, public opinion would be sufficiently modified to permit the initiation of further efforts of conciliation. Under different phrases Eden and Massigli⁸² likewise expressed the hope that the beginning of the rainy season may be a propitious moment.

It is difficult to see how conciliation will be possible even then. A psychological chasm separates the British and Italian conception of the situation. Aloisi is deeply bewildered by the British attitude. As he analyses their motives, he completely leaves out of account the universal condemnation of Italy's aggression. He says, for instance, "nobody could expect us to give up territory gained by the expense of blood and treasure." How such a conception can be conciliated with the phrase in Eden's speech on Friday last, "an aggression must not be allowed to succeed," is difficult to see. Aloisi finds in Eden's conversation a more moderate tone and attaches some hope to this. I excuse his impression that the British have so regularized their position in the Mediterranean through the promise of military support from the Mediterranean states and their own improved military preparations, that they are no longer rattled. They regard with equanimity the continuance of the present situation for a period and feel free to consider other problems.

⁸² René Massigli, Assistant Director of Political and Commercial Affairs in the French Foreign Office.

The problem which most perturbs them is that of German rearmament. The intensity of this rearmament now overshadows the immediate question of Abyssinia in the minds of the French as well as the British.

I have been struck in the last few days with the fact that nearly everyone with whom I have spoken has treated the problem of Germany with greater gravity than that of Abyssinia or, indeed, of the status of the eastern Mediterranean. Both from Massigli and a member of the French general staff, I learn that the French now desire above all things to arrange a system of limitation with Germany. Eden tells me that Laval is of the same mind. Massigli says that the French are much concerned lest the Germans in the near future denounce the servitudes on the Rhineland and that only prompt action can head this off.

That an early initiation of disarmament discussions can be brought about under present conditions seems improbable. Nevertheless, Eden feels that at some stage they should put their cards on the table with Germany; should tell the Germans that their present tempo of rearmament causes grave concern; that other states have already adopted measures to compete in building but that such competition would be wasteful and dangerous; that they desire to undertake with the resignation [*sic*] and examination of the latter's grievances in the hope of satisfying some of them; that this is under the condition that Germany returns to the League for the purposes of discussing limitation of armaments. Very confidentially Eden tells me that he has ordered Phipps⁸³ to London next week to discuss with him the question of whether the time is ripe to make any overture to Germany on the question of disarmament.

A conflict of opinion in respect to the effect on Germany of a show of force as a phase of collective action is beginning to emerge. Eden apparently feels that a demonstration of the determination of peacefully minded states to meet force with force, if necessary, will be a factor in inducing Germany to look favorably upon a proposal to limit armament. However, in the minds of the unofficial Germans here the military preparation of the League states coupled with the development of the idea of collective military action, which the Germans regard as a potential military alliance against their country, constitutes a threat which Germany must resent and answer by counter preparation in armament. Aloisi assures me there is no understanding between Italy and Germany but he pointed out that the transformation of the League through British influence into a dooming alliance against Italy in the Mediterranean cannot fail to present Italy and Germany as in the same camp. He believes the states of

⁸³ Sir Eric Phipps, British Ambassador in Germany.

the League will bend that instrument to military purposes against Germany as well as against Italy. Hence, in the mind of the public, at least these two countries will be thrown together.

I have thus treated summarily the impression resulting from a number of conversations. I will report in greater detail by letter.

WILSON

765.84/3662

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

No. 2499

PARIS, January 29, 1936.

[Received February 8.]

SIR: I have the honor to refer to the Embassy's despatch No. 2456 of January 11, 1936⁸⁴ (pages 14-15), in which reference was made to the December 1935 Franco-British proposals for a settlement of the Italo-Ethiopian conflict as well as to the "leak" which occurred at the time in the columns of two prominent French newspapers. A word as to the situation prior to Sir Samuel Hoare's arrival in Paris is perhaps relevant in recalling the status of the negotiations then in progress.

It was commonly rumored in Paris that the Hoare-Laval plan had its origin in Rome from where the Quai d'Orsay had been informed of the minimum conditions which M. Mussolini would consent to accept as a basis for negotiation. The Italian claims, however, appeared so unreasonable that the scheme was dropped as being utterly incompatible with League principles. When the question of the embargo on oil became more acute the Italian Government, seriously alarmed, instructed its Ambassador in Paris, Signor Cerruti, to call upon M. Laval and to state in unequivocal terms that an embargo on oil would mean war. The answer that M. Laval is reported to have made to the Italian representative was that if Italy attacked the British fleet in the Mediterranean France would come to England's help. The unexpectedly resolute attitude of the French Prime Minister brought consternation to the Italian camp and the Ambassador was sent post haste to M. Laval to inform him that Italy would welcome any compromise suggestion that might forestall the application of an oil embargo, especially since the United States Government at that time showed a disposition to reduce its exports of oil to Italy pending the passage of a Neutrality Act.

The French African expert at the Quai d'Orsay, M. de Saint-Quentin, who was then working in close collaboration in Paris with his "opposite number" in the British Foreign Office, Mr. Maurice Peterson, proceeded to a hasty modification of the original plan

⁸⁴ Not printed.

which, in its final form, met with the approval of certain members of the British Cabinet who were opposed to the idea of an oil embargo on the grounds that such a step would not only starve Italy but would break the Stresa front against Germany, and thereby endanger the Fascist régime in Italy. The plan in its final form was, to the best of the Embassy's knowledge and belief, ready on Thursday, December 5, and received the approval of M. Laval and Sir Robert Vansittart,⁸⁵ who had hastened over to Paris for the purpose. Sir Samuel Hoare arrived in the capital on Friday night or Saturday morning, and after further negotiation the plan was approved and communicated as is common knowledge, to the Italian Government, the Negus and the League in the order named. In his acceptance M. Laval is believed to have imposed three conditions: (1) that Signor Mussolini should agree to the plan as offered within twenty-four hours; (2) that, should negotiations begin, the Italian Government should immediately halt the advance of its troops in Ethiopian territory; (3) that the plan should be published immediately upon its acceptance by the Duce. These proposals, which have since been characterized as a flagrant violation of the Covenant, were not, in the opinion of some, altogether undeserving. It was later held that if the French Prime Minister had been able to offer the proposals, as accepted by Italy, to the council as a "peace" plan, the ensuing general feeling of relief would have enabled the League to accept it. Pressure would have almost certainly have been put upon the Negus either to fall in with the scheme or to continue to fight at his own risk with the lukewarm support of the League and with but little possibility of the further application of sanctions in any form.

On December 9, just prior to the date fixed for full publicity, two prominent organs of the French press, the *Echo de Paris* and the *Oeuvre*, to the general stupefaction, published the proposals in detail with but one inaccuracy which concerned the longitudinal degree of the zone accorded to the Italians as a settlement area. Copies of these articles are enclosed.⁸⁶

From two sources, which the Embassy considers as reliable, it was revealed how this "leak", which was in a measure responsible for the failure of the plan, occurred. It had been generally known that since M. Laval assumed charge at the Quai d'Orsay, he had consistently ignored the advice of his more important subordinates. Such important officials as M. Alexis Léger, Secretary General, and MM. Bargeton, Director, and Coulondre and Massigli, Assistant Directors of Political and Commercial Affairs at the Quai d'Orsay, had often been left completely in the dark as to the directives of M. Laval's foreign policy. It is alleged therefore that Mr. Léger, who had been

⁸⁵ British Permanent Under Secretary of State for Foreign Affairs.

⁸⁶ Not reprinted.

present at the final consultations, and was fully acquainted with the proposals, "arranged" matters so that the representatives of the *Echo de Paris* (Pertinax) and the *Oeuvre* (Madame Geneviève Tabouis) both notoriously opposed to M. Laval and his foreign policy, should be urgently advised to proceed to London without delay. On arrival they were immediately and secretly informed from Paris by telephone with regard to the details of the proposals and lost no time in telephoning them back to their respective papers. Thus every effort was made so that it should appear that the "leak" originated in London and not in Paris. At the same time M. Poliakoff (Augur) was informed in London and wired the details without comment to the *New York Times*. The premature publication of the plan, together with other factors which are now past history, combined to render the proposals totally unacceptable. Public opinion in England was aroused to a point which rendered imperative the resignation of the Foreign Secretary and Signor Mussolini, unwilling to appear to weaken his position, maintained more than a discreet silence. M. Laval, according to reports, was then enjoying a brief rest at his home at Chateldun and, when apprised of the turn of events, made a fruitless last moment attempt to "explain" his acquiescence but with little if any success.

The Embassy, while not able to vouch for the truth of the story insofar as M. Léger's role is concerned, does not consider it improbable that the "leak" emanated from the Quai d'Orsay. As previously stated, M. Laval's seeming indifference to the advice of his subordinates would indicate that a serious difference of opinion had existed for some time between the more important Foreign Office officials and himself. M. Laval, faced with the slogan "a premium on aggression" found himself with his back to the wall and it was only by a masterful justification of his Foreign Policy before the Chamber that he was able to obtain two extremely slender votes of confidence. The sincerity of his defense won him the day for his most bitter enemies were forced to admit that his motive in accepting the plan was to do all that was humanly possible at the time to prevent the outbreak of hostilities in the Mediterranean.

Respectfully yours,

JESSE ISIDOR STRAUS

765.84/3657

Memorandum by the Under Secretary of State (Phillips)

[WASHINGTON,] January 31, 1936.

The Italian Ambassador ⁸⁷ came in this afternoon to ask me whether I could give him any side lights on European affairs as I had found them. I said that that was rather a tall order because I had received

⁸⁷ Augusto Rosso.

such a deluge of impressions of all kinds wherever I went. However, I would be glad to tell him of some of them in which he might be more especially interested. I said that during the weeks I had spent in England, I had met a great many people of different sorts and opinions but I had never heard one remark derogatory to the Italian people, nor had I seen anything in the press which was in any way critical of the Italian people. There was, of course, deep criticism of Mussolini and of the course which he had pursued and was still pursuing. In this respect there seemed to be a united opinion that Mussolini had acted, to say the least, unwisely. Furthermore, there seemed to be the impression in certain circles that Mussolini's ambitions went beyond Ethiopia and were in fact directly against the interests of the British Empire as such. I admitted that, of course, I was no judge as to whether this was a fact or not. I merely mentioned it as a point of view which was freely expressed and discussed in British circles.

In other circles there was considerably more alarm expressed at the progress of German rearmament than in the Ethiopian affair. No one, I said to him, could go to Germany and not be impressed as I have been with the tremendous effort being made to rearm. The immense growth in military establishments in and around Berlin and the new academies for training this and that type of soldier were very striking and when it was realized that a concentration of this effort in and around Berlin was only one of several similar centers of military output, even the dumbest person would grasp what was happening.

The Ambassador admitted that the Ethiopian affair had been badly handled by the Italians in Geneva and elsewhere. It was regarded throughout Italy as a purely colonial affair and not one in any way involving the rest of the world. He felt that it was not unnatural in the circumstances that there should be so much public feeling against the British. The Ambassador mentioned during his call that a certain Senator had recently cautioned him that he should discourage efforts of Italians in this country from influencing Congress with respect to pending neutrality legislation. Rosso in reply told the Senator that he had nothing whatsoever to do with such activities; that he was well aware that they did no good whatsoever for the Italian cause, and actually did harm to that cause. It was true that he did receive a great many copies of letters, the originals of which were being sent to the State Department and to Members of Congress, but his advice was not sought nor could he very well do anything himself to control the activities which were being complained of and which were largely the result of sentiment of Italian-Americans for their home country. Most of these persons had family connections in Italy and he supposed that their letters to Congress were written as a result of their sentimental connection with their country of origin. The Ambassador

wished me very clearly to understand that the Embassy had nothing whatsoever to do with the matter and that he wholeheartedly disapproved of the steps which had been taken by the Italo-American people and which he fully realized would not help in any way the Italian cause, rather the reverse.

W[ILLIAM] P[HILLIPS]

765.84/3628 : Telegram

The Chargé in France (Marriner) to the Secretary of State

[Extract]

PARIS, February 5, 1936—11 a.m.

[Received February 5—9:20 a.m.⁸⁸]

95. . . .

With respect to the Italian situation it was the opinion⁸⁹ that little military progress was being made in Ethiopia and that the present calm and inaction of the world powers was making it difficult for Mussolini to keep up public resentment in Italy. The present policy was to delay matters with respect to oil sanctions. Massigli felt that the Technical Committee would presumably not have its report ready for 10 days at least and thus there would be no possibility of a meeting even to consider its approval before the end of the month. After that considerable delays in application, should it be decided on, might be envisaged and by that time the rains would be coming along to put a stop to the active campaign in Ethiopia. After that they felt that the costliness of the enterprise in men and money would be becoming ever more clear to the Italian people and the effect of the sanctions already existing more difficult. It was Massigli's opinion that the application of sanctions had not borne heavily on French economy since the small amounts that certain industries had lost in the regions contiguous to the Italian frontier had been more than made up by share in former Italian business gained in other industries.

MARRINER

765.84/3632 : Telegram

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

ROME, February 5, 1936—6 p.m.

[Received February 5—2:45 p.m.]

46. In conversation with Mr. Suvich this afternoon he was very calm and placid in his outlook upon the international situation. He said

⁸⁸ Telegram in five sections.

⁸⁹ The opinion of Paul Bargeton and René Massigli, Director and Assistant Director, respectively, of Political and Commercial Affairs in the French Foreign Office, with whom the Chargé had had conversations on February 4.

that it had not changed in any respect from his point of view, that there was no compromise proposal in view and apparently no basis for any proposal. He said he thought that while the situation had elements of danger, there was nothing very alarming but that it would drift along in this way for a while and that the countries' representatives at Geneva would eventually get tired of the sanction program and the great deal of inconvenience that was being caused by it and that eventually there would be a proposal made which would be more in conformity with the facts and that there could be an eventual peaceful settlement which would not involve Europe.

While he would not admit any immediate danger or any special element of danger, nevertheless he confessed that the situation was bad. And in spite of his denials, I thought I detected in his demeanor and conversation a note of discouragement. It was not in anything he said but in his rather subdued point of view and manner of expression.

LONG

765.84/3637 : Telegram

The Consul at Geneva (Gilbert) to the Secretary of State

GENEVA, February 6, 1936—10 a.m.

[Received February 6—9:35 a.m.]

52. A member of the British delegation has informed me in confidence respecting the subcommittee of experts now considering the question of an embargo on petroleum.

The Committee will submit a purely objective technical report and will make no decisions or recommendations. According to its terms of reference it will base its report on the European hypotheses.

The hypotheses are, (1) if non-member states impose a complete or partial (as for example restricted to normal exports) embargo, (2) if non-League states place no embargo; both of which will be considered in relation to the following factors, (3) the effectiveness of an embargo applied by League states on transportation, (4) the question of indirect supply, (5) the extent to which Italy can employ substitutes, (6) the amount of Italian petroleum stocks.

It is anticipated that the figures will show that if (2) obtains any League embargo would not be effective. This would of course carry the implication that non-sanctionist states (chiefly the United States) would in such a case nullify any embargo measure.

Among the other states concerned he mentioned Egypt (which the British assert they can control so that it is in effect a League state) and Albania a non-sanctionist state whose supply is not important.

In respect of (1) there remains the problem of the possible defec-

tion of certain League states. In this connection he stated that Venezuela is entirely non-committal as to her policy and is attending the subcommittee solely as an observer.

Respecting (3) he expects the Committee to find that Italian and non-League tanker tonnage would be sufficient for Italy's needs.

Respecting (4) the main concern is Germany.

Respecting (5) it is believed may be found to be an important factor.

Respecting (6) information is incomplete but it is believed that the supplies will be substantial.

The report will show conclusions which would intimate that the shipments of petroleum by the United States would nullify a League embargo. I do not doubt, however, that such inferences will be expressed in the press as drawn from the figures of American shipments embodied in the report. I feel that, however, such conclusions will be offset to some degree by the data submitted under point (5) and in a practical sense by point (6).

The Committee of Eighteen to which the report will be made will in my informant's opinion probably not meet until March. The whole atmosphere of his conversation was that no petroleum embargo would be actually applied. He mentioned that the procedure might be the placing of a relatively distant date for an embargo which would then be lifted when the date was reached as not offering a possibility of being effective. Note in this connection Consulate's despatch No. 1570, political, January 29.⁹⁰

GILBERT

765.84/3641 : Telegram

The Consul at Geneva (Gilbert) to the Secretary of State

GENEVA, February 6, 1936—8 p.m.

[Received 11:05 p.m.⁹¹]

54. I learn the following in the strictest confidence from absolutely reliable sources:

1. While the matter has not been touched upon in the petroleum subcommittee, certain figures available here respecting the American production and export of petroleum and possible conclusions drawn therefrom have been privately discussed within a small group of delegates chiefly, as far as I can determine, Italian [*Latin?*] American delegates. The figures indicate that the exports of the United States in relation to its production and domestic consumption are substantially made possible by imports from other states, chiefly Mexico and

⁹⁰ Not printed.

⁹¹ Telegram in two sections.

Venezuela. They deduce from this, and presumably from other elements in the situation, that the United States by the action of other states could be eliminated as an important factor in the embargo problem.

The Mexican representative here has stated that if the issue arose in that form Mexico would be willing to regulate oil shipments to the United States. The Venezuelan representative is greatly disturbed by the possibilities presented, particularly if pressure were put on Venezuela by the Netherlands through her Caribbean refining arrangements, and is telegraphing his Government concerning this entire question. He speaks at the same time of the difficulty of his Government's taking action in the matter of petroleum due to revolutionary disturbances in her [*his*] country, a separatist movement in fact taking place in the oil area. The Peruvian delegate is also concerned, although the relatively small exports of Peruvian petroleum do not make the problem important in a practical sense. The Argentine delegate is preoccupied over the more general political implications in the matter due to official notification that Buenos Aires has already taken action on an embargo.

There is considerable speculation and anxiety on the part of all Latin American delegates who are cognizant of this matter respecting the possible position of the United States in its entire American relationships and in a more general sense over possible repercussions on American-European relationships as affecting the League and also in their broader aspects. There are current vague expressions of opinion of the bearing of the Monroe Doctrine in certain contingencies.

I feel that I must say that I know nothing about the figures cited nor whether the assumptions advanced have any validity. I must emphasize, however, that the concern among the Latin American delegates to whom this matter is known is obviously very real. Any information for my own background with which the Department feels it could furnish me would be appreciated.

2. Consulate's 52, Feb. 6, 10 a.m. Contrary to all outward impressions given that London is not anxious for the imposition of an oil embargo against Italy, I learn that Eden in a recent conversation with Cantilo, Argentine Ambassador at Rome, declared that Great Britain was most desirous to have an embargo effected but that she did not wish to take the lead. In the same conversation Eden asserted that the bilateral and other European arrangements, in which London was interested were all purely attempts to reinforce the League and that there was no relaxation of London's attachment to the League and the general project of collective security. He added, however, that the League Covenant would eventually have

to be revised. He stated that were Great Britain's efforts in these respects not successful, she must retire from the Continent and in a sense retire from the League.

It is difficult to say whether Eden's statements to Cantilo were merely to reassure him respecting the League—the Latin American states showing certain signs of defection in the matter of sanctions—or whether especially in relation to the petroleum the result of it represents London's actual policy.

3. It is confidently asserted to me that under contracts concluded in January, Rome has already paid for 800,000 tons of Rumanian petroleum. The proportion of this already delivered in Italy is not known. It is believed, however, that a substantial quantity is still in Rumania. It is felt that in an application of an embargo, Rumania might insist on an exemption on goods paid for.

GILBERT

765.84/3658 : Telegram

The Consul at Geneva (Gilbert) to the Secretary of State

GENEVA, February 8, 1936—2 p.m.
[Received February 8—10:40 a.m.]

58. Consulate's 52, February 6, 10 a.m.

1. The data thus far studied by the Petroleum Subcommittee indicates the following: total annual requirement of Italy at present rate of consumption is from two to two and a half million tons; Italian transport facilities will care for 75 per cent of this requirement; substitutes are not an important factor, a perfected economical product being a matter for the future; equivalent stocks in Italy and Italian colonies total 500,000 tons which is regarded as limit of present storage facilities including ships in ports.

Consulate's 54, February 6, 8 p.m.

2. The relative size of stocks in Italy in proportion to purchases in Rumania is regarded as indicating large quantities of "Italian oil" at present in Rumania.

3. I am informed of the foregoing through Gomez, the Mexican Chairman of the Subcommittee.

Respecting the position of the United States in this matter he felt that the Latin-American delegates who were so concerned over the question did not take into sufficient account the factor of stocks in storage now in the United States.

4. The Mexican representative has been most active in advocating the adoption and application of an oil embargo against Italy. He now states that he was urged to this course by the British who also suggested his chairmanship of the subcommittee. He says that the British took the same line with other Latin-American states both here

and through diplomatic channels as suggested in paragraph 2 of my telegram No. 54. The attitude now adopted here by the British that the figures indicate that a petroleum embargo is not practicable is causing him extreme annoyance declaring that he has been "let down".

A number of Latin-American delegates have for some time been intimating to me that the British were urging them that they should support the League in the cause of peace their remarks carrying more or less the implication that the United States was outside the peace circle. The British were taking the opportunity, according to these Latin Americans, to weaken the new relationship which we have built up in Latin America. I naturally discount such views knowing the great extent to which they are influenced by the tendency here for Latin Americans to assume a role beyond their instructions and the personal equations which enter the picture; the possibilities discussed in paragraph 1 of my telegram last referred to precipitated, however, the excited state of mind here which I reported.

5. The press has for some days been drawing inferences deduced from leaks in the studies of the Petroleum Subcommittee respecting the positions of various states, both League and non-League as nullifying any embargo measure. This has evoked repercussions in various capitals and the Committee is now endeavoring to keep their deliberations more secret and in particular is eliminating substance from its communiqués.

6. As having something to do with the situation just described the present program is that the report of the Subcommittee will be transmitted privately to the governments for their consideration before any further action is taken. This is viewed as confirming that a meeting of the Committee of Eighteen will probably not take place until March as reported in the final paragraph of my No. 52.

GILBERT

765.84/3723 : Telegram

The Consul at Geneva (Gilbert) to the Secretary of State

GENEVA, February 13, 1936—3 p.m.

[Received 3:20 p.m.]

61. The following appear to me to be the chief elements of the report of the Committee of Experts on oil embargo which was issued this morning.⁸²

Consumption: estimated at 3,500,000 tons in 1935 including in the last 5 months 20 to 30 thousand per month in the theatre of war.

⁸² For text, see League of Nations, *Official Journal*, Special Supplement No. 148, p. 64.

Stocks: including supplies en route estimated at 3 to 3½ months supply.

Supply: the report states that "in the event of such an embargo being applied by all states members of the Coordination Committee it would be effective if the United States of America was to limit its exports [to Italy to the normal level of its exports] prior to 1935. If such an embargo were applied by the states members of the Coordination Committee alone, the only effect it would have on Italy would be to render the purchase of petroleum more difficult and expensive." Attention is called to the fact that during the last few months exports from the United States to Italy have shown a very large increase. Special attention is also called to the position of Venezuela. The report states that 80% of its production only reached the consuming countries through the Netherlands West Indies but it is pointed out that most of the remaining 20% is sent to the United States and that there is no reason why this proportion could not be increased and further that no technical reason exists why Venezuela oil could not be sent to Italy for refining. I understand that a reference in the original draft of the report to the fact that Venezuela was not applying proposals 3 and 4 was eliminated on the objection of the Venezuela representative.

Substitutes: the report states that in view of the possibility of substitutes being used to some extent for petrol, an embargo on the export of petroleum would be strengthened were it extended to cover industrial alcohol and benzol.

Transport: "the effectiveness of an embargo imposed by states members of the Coordination Committee on the transport of oil to Italy is subject to the same limitations as an embargo on exports. Were these states alone to prohibit the use of tankers for the transport of oil to Italy, it would be able to satisfy its needs up to about 50% from its own resources, and the rest by means of vessels of other states, but with greater difficulty and at greater expense". If an embargo on transport should be decided on, Committee is of the opinion that the most practicable form of embargo would be one which would prohibit tankers, belonging member states, from proceeding to Italy and would also prohibit the sale of tankers to states not applying the embargo. Lacking detailed information, the Committee was unable to estimate the extent of the difficulties which would be encountered in applying this prohibition to vessels already on time charter.

Special attention is drawn to the tanker tonnage of the United States and Germany.

GILBERT

765.84/3724 : Telegram (part air)

The Consul at Geneva (Gilbert) to the Secretary of State

GENEVA, February 13, 1936— 5 p.m.
[Received February 14—3: 50 p.m.]

63. 1. The head of the British delegation⁹³ at the recent meetings of the Experts Committees informs me as follows, requesting that the source be kept confidential:

He believed that the earliest date for the convening of the Committee of Eighteen is the end of the first week in March.

He stated that, as his delegation saw it, there were four courses which the Committee of Eighteen might follow respecting the question of petroleum: (a) to decide that an embargo could not be effective and thus bring the issue to an end; (b) to set a date for the going into effect of an embargo and to lift it as "impracticable" when that date was reached; (c) to impose an embargo and then later lift it as not effective; (d) based on deductions from the report that a League embargo would be "expensive" for Italy and thus, even if Italy obtained her supplies elsewhere, would work against her prosecution of the war, to appoint a subcommittee to study "how expensive" it would be. He stated that the adoption of an embargo, its imposition to be contingent on certain conditions, was now not a possible course as it had already in effect been employed in adopting proposal 4-a.

My informant did not believe that (a) would be adopted in view of the desire, both for political reasons as a precedent and vis-à-vis public opinion, to conserve as far as possible the aspect of maintaining the principles of the Covenant. He felt that Russia and Rumania would not accept (c) as unduly injurious to their trade in relationship to the limited achievement, thereby, of the end sought. He rather thought that (d) would be the procedure followed. It will be noted that the four alternatives are not necessarily mutually exclusive, as for example, any one of the first three could follow the last. The last he suggested might, however, be employed as a convenient form for accomplishing the same end as the first.

In any one of these alternatives taken in conjunction with the data in the report and statements therein respecting the United States, it will be seen that the Committee of Eighteen might formally declare the position of the United States, in respect of shipments to Italy, to be a determining factor. My informant seemed anxious to assure me that every effort would be made to avoid placing the "responsibility" on the United States.

⁹³ F. C. Starling, head of the Petroleum Department, Board of Trade.

2. The general atmosphere of these disclosures was that the foregoing were by no means definite projects but merely indicated an uncertainty as to the course which would be followed.

3. It may be observed from the character of the alternatives that either through a recognition of political or of practical objections there is no present intention to effect an embargo. The question may thus arise as to why the procedures are continued when their ostensible objective appears relatively impossible of achievement or perhaps not desired by the controlling powers. This is nevertheless a development with many precedents here. Certain reasons for this are implied in the views of my informant which I have set forth above. In general, as seen from here without definite information: a desire to keep the situation fluid in order that later action may be taken in either direction; awaiting some possible favorable material development; the presentation of the aspect of maintaining the principles of the League; to indicate, for its moral effect or possibly as a form of pressure, the willingness of the League to take action if not thwarted by conditions beyond its control.

GILBERT

765.84/3783 : Telegram

The Chargé in the United Kingdom (Atherton) to the Secretary of State

LONDON, February 24, 1936—7 p.m.

[Received February 24—3:38 p.m.]

73. Eden made a lengthy speech on foreign affairs this evening⁹⁴ which I understand American press agencies will cable extensively. The points in his speech which immediately struck me were as follows:

(1) A vigorous reaffirmation for [*of*] the policy of collective action at Geneva in which England will play her full part with other nations. (2) The desire that the League be recognized as the agent of conciliation between Italy and Abyssinia which in Eden's interpretation should be along bases of Paris proposals of last summer. (3) England is about to undertake a program of extensive rearmament to enable her to play her part effectively in the collective action of the League. England however will take no part in a policy of encirclement. (This obviously had reference to Germany.) (4) Eden stands by Hoare's suggestion of last September at Geneva⁹⁵ regarding free world access to raw materials the efficacy of which however as a solution to many economic ills remains to be proven. (5) Anglo-

⁹⁴ House of Commons, *Parliamentary Debates*, vol. 309, 5th Series, p. 76.

⁹⁵ For text of Sir Samuel Hoare's speech at the 16th Assembly of the League on September 11, 1935, see League of Nations, *Official Journal*, Special Supplement No. 138, p. 43.

Egyptian treaty conversations begin next week. (6) Eden laid stress on the necessity for seeking the cooperation of non-League powers to parallel Geneva policy.

ATHERTON

765.84/3841 : Telegram

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

ROME, March 2, 1936—8 p.m.

[Received March 2—4:38 p.m.]

67. Was with Suvich this afternoon when he received word from Geneva that Eden had proposed oil embargo and as an alternative Flandin⁹⁶ had proposed to call the Committee of Thirteen and submit the whole question to them with the hope of finding a solution of the Italo-Ethiopian difficulty. The Committee adopted the Flandin suggestion. Suvich was apparently pleased and gratified but not unduly hopeful. He told me that on February 27 Mussolini had discussed very frankly the entire Italian situation with de Chambrun⁹⁷ and had reminded him that it was not Mussolini alone but various elements and sentiments in the political control of Italy which had to be contended with and that the situation had arrived at the point where Italy would withdraw immediately from the League of Nations if additional sanctions were imposed. He would do it reluctantly for he wanted to continue political cooperation in Europe with England and France and to maintain the Stresa front. However, he would have to reserve entire freedom of action in Europe if any additional sanctions were imposed. He did not mention Germany but the inference was that he would seek help in other quarters.

In conversation this afternoon with the Czechoslovak Minister, he told me that he had just heard from one of the highest Vatican authorities that there was definitely a compromise peace proposal being formulated. He associated it with de Chambrun's conversation with Mussolini and Flandin's desire to arrange for a basis of settlement of the conflict. From British Embassy sources it is confirmed that de Chambrun's conversation also concerned peace proposals. In my conversation with Suvich he was unable to confirm any details of a peace movement and would not admit the existence of a well-defined peace effort. From all of these sources, however, I am led to believe that some definite movement for the settlement of the Italo-Ethiopian conflict is taking shape and may manifest itself before the Committee of Thirteen. Mailed London, Paris, Geneva, Berlin.

LONG

⁹⁶ Pierre Etienne Flandin, French Minister for Foreign Affairs in the Government of Albert Sarraut.

⁹⁷ Pineton de Chambrun, French Ambassador in Italy.

765.84/3848 : Telegram

The Consul at Geneva (Gilbert) to the Secretary of State

GENEVA, March 3, 1936—6 p.m.

[Received 10:10 p.m.]

74. Consulate's 73, March 3, 5 p. m.⁸⁸ In a very brief meeting this afternoon of the Committee of Thirteen, which I understand was largely *pro forma*, the following resolution⁸⁹ was adopted:

"The Committee of Thirteen,

Acting in virtue of mandate given to it by the Council in its resolution of December 19,¹

Addresses to both belligerents an urgent appeal for the immediate opening of negotiations in the framework of the League of Nations and in the spirit of the Covenant with a view to the prompt cessation of hostilities and definitive restoration of peace.

The Committee of Thirteen will meet on March 10, to take cognizance of the replies of the two Governments."

Nothing has yet fully emerged here respecting the positions of the states which resulted in this resolution, but its terms are commonly characterized as victory for the French position.

It is understood that the Committee of Eighteen will not again convene until after March 10, although the technical subcommittee may meet in the interval.

GILBERT

765.84/3889 : Telegram

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

ROME, March 8, 1936—noon.

[Received March 8—7:21 a.m.]

77. All newspapers state that Italy's reply² signifies her continuing desire for peace but does not alter her fundamental demands that, (1) Abyssinia not Italy must be regarded as the aggressor; (2) that security and treaty rights be assured; (3) that the military situation must be a basis for negotiation; (4) that the injustices of past treaties must be repaired. All comment concludes that exaggerated optimism is out of place. Italy is not altering her present positions. She did not seek war for war's sake. She would not prolong hostilities one day longer than necessary to settle definitely and permanently her vital problems. Italy's action has been one of legitimate defense against

⁸⁸ Not printed.⁸⁹ League of Nations, *Official Journal*, April 1936, p. 359.¹ For text, see *ibid.*, January 1936, p. 14.² For text of Italian note, dated March 8, 1936, see *ibid.*, April 1936, p. 395.

continued aggression, corresponds to her recognized needs, aims at repairing the injustices of treaties without detriment to any civilized country, is proceeding upon a territory over which she has valid treaty rights. These remain the basic elements for peace which must satisfy Italian needs and thereby restore a European balance of possessions and positions.

LONG

765.84/3892 : Telegram

The Consul at Geneva (Gilbert) to the Secretary of State

GENEVA, March 9, 1936—9 a.m.

[Received 9:30 a.m.]

81. The Italian reply addressed to the Chairman of the Committee of Thirteen states "the Italian Government, in response to the appeal addressed to it, agrees in principle to the opening of negotiations concerning the settlement of the Italo-Abyssinian conflict".

GILBERT

765.84/3898 : Telegram

The Consul at Geneva (Gilbert) to the Secretary of State

GENEVA, March 9, 1936—4 p.m.

[Received March 9—1:10 p.m.]

85. My telegram No. 78, March 6, 10 a.m.³ The Ethiopian Minister at Paris yesterday addressed a communication to the Secretary General⁴ reiterating the Emperor's acceptance of the [proposal of the?] Committee of Thirteen and placing himself at the Committee's disposal for any further information desired.

GILBERT

740.0011 Mutual Guarantee (Locarno)/507 : Telegram

The Chargé in the United Kingdom (Atherton) to the Secretary of State

[Extract]

LONDON, March 25, 1936—7 p.m.

[Received March 25—3:35 p.m.]

151. . . .

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About the time of adjournment of the Committee of Thirteen on Monday, from informal remarks of the Chairman⁵ it was learned that

³ Not printed.⁴ For text of Ethiopian reply, dated March 5, 1936, see League of Nations, *Official Journal*, April 1936, p. 395.⁵ Salvador de Madariaga.

the Italians were envisaging an acceleration of military activity in next 3 weeks and accordingly view with disfavor any action on the part of Committee of Thirteen within that period.

ATHERTON

765.84/3954 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA [undated].

[Received March 30, 1936—5:11 p.m.]

166. My 161, March 18, noon.⁶ It is rumored that Rickett ⁷ has been requested by Mussolini to sound the Ethiopian Government regarding the possibility of direct peace negotiations.

In view of these rumors a communiqué was issued last night which concludes as follows:

“The Imperial Government reiterates that it does not intend to engage in any direct peace negotiations with Italy or with so-called unofficial representatives. It proposes to stop hostilities only after having made sure that the negotiations will take place within the framework of the League of Nations, and will respect the principles of the pact and of territorial integrity and political independence”.

ENGERT

765.84/4046 : Telegram

The Ambassador in the United Kingdom (Bingham) to the Secretary of State

LONDON, April 7, 1936—4 p.m.

[Received April 7—12:55 p.m.]

185. Reference paragraph 1 my 183, April 7, 1 p.m.⁶ Reliable sources stated confidentially today that official information confirms reports of complete routs of Abyssinian forces on the northern front and that Eden is leaving for Geneva without any definite program beyond “cooperation within the framework of the League” to which policy the Government has committed itself by repeated declarations.

I understand the French are urging on the Negus the desirability of directly suing for peace with the Italians as the most practical way out. The French have informed the British their reason for holding up arms shipments on the Djibouti railroad is under article 170 of the Treaty of Versailles ⁸ whereby Germany is forbidden to export arms, even when Czechoslovak origin, on the grounds that they were exported through the port of Hamburg.

BINGHAM

⁶ Not printed.

⁷ F. W. Rickett of the African Exploration and Development Corporation.

⁸ *Foreign Relations*, The Paris Peace Conference, 1919, vol. XIII, p. 328.

765.84/4051 : Telegram

The Consul at Geneva (Gilbert) to the Secretary of State

GENEVA, April 8, 1936—noon.
[Received April 8—11:50 a.m.]

101. Latin American representatives inform me in confidence as follows:

1. The Ecuadorean Government has presented a note to the Italian Government, a copy of which it is understood will be officially transmitted to Secretary General, to the effect that Ecuador's position is that in view of Italy's offer of conciliation (Consulate's 81, March 9, 9 a.m.) sanctions against Italy should be immediately lifted. This is construed in Latin American circles here as meaning at the least that Ecuador in fact is canceling such sanction measures as she has adopted against Italy.

2. The Mexican Government is understood to be addressing a communication to Vasconcellos⁹ urging a reenforcement of sanctions against Italy. I am told that the implications lying back of this Mexican position are that if the League fails to pursue a policy of sanctions against an aggressor Mexico will consider her membership in the League without value and may take a public position to this effect.

3. The Chilean Government is believed to be preparing to express a position in some form in the presumably immediate future that the constitution or the procedures of the League must be shortly revised so as to exclude the participation of Latin American League members in non-American questions and of non-American League members in American questions and that failing such action Chile will consider withdrawing from active participation in the League.

4. The foregoing is derived from entirely reliable sources and I believe that it represents at least tentative developments along the lines indicated. While certain of these matters will I believe shortly come into the open I must regard them all at this moment as confidential.

5. I understand that the Italian representative here has called on a number of Latin American delegations among them the Argentine suggesting that the Latin American League states adopt a common front in Geneva advocating the lifting of sanctions against Italy. The Argentines made no reply to this Italian *démarche*. They inform me that they are acting under their standing instructions respecting sanctions which I have previously reported to the Department and that on their more general relationship to the League their position remains that of supporting the Covenant in line with their obli-

⁹ Augusto Vasconcellos, Portuguese delegate to the League and Chairman of the Committee on Coordination.

gations while at the same time they are enjoined by Buenos Aires strictly to avoid taking a partisan position in European political contentions.

6. These developments are creating a violent stir among such Latin American representatives here as are aware of them and thus in my estimate of them I allow for probable exaggeration. I learn however that the more important of the delegations including Argentina have urgently requested instructions from their governments. The private conversations among the Latin Americans take particular note of the positions adopted by the Latin American Council powers at the recent Council sessions in London of which the Department is doubtless cognizant which have been felt here as probably foreshadowing an issue on some basis between the Latin American states and the League. I have reported what I could learn of the background of these London developments in my No. 1650, political,¹¹ mailed today.

GILBERT

765.84/4074 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, April 10, 1936—10 a. m.

[Received April 12—12:20 a. m.]

208. My 201, April 8, 11 a. m.,¹¹ and Department's 136, April 10, 5 p. m.¹² I now learn confidentially that the Ethiopian Government has received a definite intimation from Geneva that in view of the military situation it was useless to insist on the letter and the spirit of the League Covenant in negotiating with Italy. After a conversation with the Emperor by telegraph the Council of Ministers decided this morning to reply rejecting the suggestion and emphasizing determination to negotiate only through the League. I gather this decision was taken because military situation is not yet considered hopeless.

ENGERT

765.84/4065 : Telegram

The Secretary of State to the Minister Resident in Ethiopia (Engert)

WASHINGTON, April 10, 1936—5 p. m.

136. Consul at Geneva in his 105, April 9, 5 p. m.¹¹ reports in part as follows:

"The British here are taking the position that if conciliation does not show immediate satisfactory results they will press for increased

¹¹ Not printed.

¹² *Infra.*

sanctions which would be signalized by the convening of the Committee of Eighteen."

He adds that it appears unlikely that sanction can be extended through auspices of League. It likewise appears that British have not determined upon policy in event of failure of conciliation.

HULL

765.84/4075 : Telegram

The Consul at Geneva (Gilbert) to the Secretary of State

[Extract]

GENEVA, April 11, 1936—9 p. m.
[Received April 11—8:55 p. m.¹³]

114. . . .

In a "preliminary" conversation between Madariaga and Aloisi,¹⁴ the latter stated bluntly any settlement must be on the basis of the Italian victories and that Rome was no longer interested in the Hoare-Laval plan or any other plan. It was intended to establish complete Italian control in Ethiopia. Aloisi was extremely arrogant and told Madariaga that "small power functionaries" had better keep out of it.

Aloisi told Flandin that Italy would do nothing for France in Europe unless Paris supported Rome in the Ethiopian affair. Flandin asserted to Aloisi that there would be no sanctions against Italy as long as he remained Minister and further that regardless of what anyone else might do France will lift sanctions as soon as hostilities cease. Aloisi then stated that Mussolini desired only a delay of 15 days which is all that he estimates is necessary to occupy Addis Ababa and he frankly described Italian strategy, following such occupation, to be to set up their "own emperor". He stated that at that juncture their army would be proclaimed as the "army of liberation." Rome did not know what form British opposition might take but if Great Britain wanted war Italy was ready.

A member of the British delegation, in discussing the situation with me, stated that the delegation and the British Cabinet realized that the "League battle" with Mussolini over Ethiopia is lost. They estimate now that for Italy in effect to have all of Ethiopia is just a question of time. He stated, however, that Eden had been given instructions which, although allowing him greater flexibility than in the Locarno affair, were to the effect that he was to keep up the pressure in Geneva for sanctions of any type. He said that an Italian victory would naturally be a blow to the League and a great blow to British prestige in the Near and Far East. In answer to my inquiry

¹³ Telegram in two sections; only section 2 is printed.

¹⁴ Baron Pompeo Aloisi, Italian representative on the League Council.

as to why the British would insist on bringing up the matter of sanctions through the Committee of Eighteen in the face of the belief (which he admitted) that the Committee would not adopt further sanctions, he said frankly that the British would prefer a "League failure" to a "British failure". He added that in the dilemma this policy was in line with the British-Tory view that the failure of the League would at least permit British public opinion to support rearmament (Consulate's despatch No. 1537, Political, dated December 23, 1935¹⁸). In reply to a further inquiry as to what Great Britain would do with their acquired "liberty of action" against Italy, he stated that there remains the matter of credits which might prove to be a formidable weapon.

GILBERT

765.84/4096 : Telegram

The Ambassador in the United Kingdom (Bingham) to the Secretary of State

LONDON, April 14, 1936—6 p.m.

[Received April 14—2: 55 p.m.]

201. In an informal conversation today a Foreign Office official admitted that the Cabinet is now satisfied that economic sanctions are ineffective towards terminating the conflict and he volunteered the opinion that any further British proposals for such sanctions would be made solely with a view to meeting British public opinion and in general confirmed Geneva's 105, April 9, 5 p.m.¹⁸ While he is not hopeful that the Italian representative will be conciliatory, he understands that Mussolini is very anxious for a settlement which will be accepted by the Italian people as a "great victory" before the beginning of the big rains in May or June. He understands that Mussolini is increasingly apprehensive that Austria may be the next Nazi objective and therefore wishes to be in a position for early termination of the African campaign. He also understands that the French are strongly urging in Rome this view of Nazi objectives in Austria.

BINGHAM

765.84/4101 : Telegram

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

PARIS, April 15, 1936—7 p.m.

[Received April 15—4: 03 p.m.]

308. Wilson¹⁹ saw Bargeton²⁰ this afternoon who said that Paul-Boncour is leaving tonight for Geneva for the meeting of the Com-

¹⁸ Not printed.

¹⁹ Edwin C. Wilson, Counselor of Embassy.

²⁰ Director of Political and Commercial Affairs, French Foreign Office.

mittee of Thirteen to be held tomorrow afternoon or Friday and that Flandin was not going. Bargeton said that the French Government in the past few days had been actively urging upon the Italian Government the necessity of adopting a conciliatory attitude regarding peace negotiations with Ethiopia in order that France might have something to take to the British in an effort to keep the latter from pressing for the tightening of sanctions with consequent further disruption of what remains of European solidarity. He did not know what instructions Aloisi was in fact bringing to Geneva but seemed to have some hopes that a basis for negotiations between Italy and Ethiopia might be reached. He remarked he was of the opinion that the British attitude towards Italy was not primarily motivated by political reasons, since the British Government realized that there are always ups and downs in colonial ventures and that the future would lay many obstacles in Italy's path in Africa to keep her from threatening British interests, but that there was a wave of "a sort of idealism" in a British public opinion, a sympathy with the underdog aggravated by the Italian use of poison gas and that this force of public opinion was driving the British Government.

Regarding Germany, he said that the French Government did not know the exact form in which the British inquiries would be put to the German Government but he "supposed" these would be in your possession soon. He said that the British Government had received assurances "in principle" from the German Government regarding non-fortification of the Rhineland during the proposed 4-month period of negotiations, and, while the French Government was aware that work was being done in the Rhineland on new air fields and gun emplacements, he believed that Germany would not undertake fortifications on a large scale during this period.

Regarding the recent Turkish request for revision of the status of the Straits, Bargeton said that the French Government had not come to any definite decision but was awaiting issues from the views of powers more directly affected, such as Rumania and Bulgaria.

Mailed London, Berlin, Rome, Geneva.

STRAUS

765.84/4110 : Telegram

The Consul at Geneva (Gilbert) to the Secretary of State

GENEVA, April 16, 1936—4 p.m.
[Received April 16—1:45 p.m.]

120. Consulate's 116, April 15, 2 p.m.²¹ first paragraph. An Italian delegate called on a member of the Committee of Thirteen today and disclosed to him the Italian conditions for negotiations which they

²¹ Not printed.

had stated officially to Madariaga and the Secretary General. He confirmed that Aloisi was not empowered to negotiate but to discuss procedures. The Italian conditions are as follows:

1. The negotiations must be direct between the two parties and not through the intermediary of the League nor could any representative of the League be present. They must in all respects be bilateral. The two parties would however independently keep the League representatives informed of the proceedings. While the Italians asserted that this arrangement was "without the framework of the League" this is naturally a matter of construction.

2. The conversations must be outside Geneva. The stated reason for this was to ensure the strictest secrecy which in Geneva the presence of journalists would render difficult. The Italian delegate admitted however that the purpose of this was to emphasize the non-participation of the League. The Italians suggested Ouchy.

3. The question of an armistice could not be discussed at present.

I take this last to mean that the Italians were thus making clear that the negotiations could not be regarded as in progress until the two first conditions outlined above had been agreed to. The Italians stated however that (presumably the position they would take in the negotiations) they were willing immediately to cease hostilities but that due to the status of discipline and difficulties of communication in the Ethiopian forces, Ethiopia must give guarantees. These guarantees were forecast as (a) definitely an Italian control of the railway to Addis Ababa, (b) probably the Italian occupation of Addis Ababa.

GILBERT

765.84/4117 : Telegram

The Consul at Geneva (Gilbert) to the Secretary of State

GENEVA, April 16, 1936—midnight.

[Received April 16—10 p.m.]

121. 1. The following is a résumé given me by an entirely responsible source of the developments in a strictly secret meeting today of the Committee of Thirteen.

Madariaga reported that the position of the Italians on the procedural question of the negotiations was to the effect that they be strictly bilateral, the details being as described in paragraphs 1 and 2 of my 120, April 16, 4 p.m., except that the League would be informed of the procedures as an "act of courtesy" by means of joint communiqués and not independently by the two plenipotentiaries. Respecting an armistice, the Ethiopian Government must apply direct to Marshal Badoglio and the League must give assurances that during such an armistice Ethiopia would refrain from hostilities.

Throughout the ensuing discussion the same divergence as in pre-

vious meetings continued between the British and the French. The entire atmosphere was that the committee members were reconciled to material events deterring the issue.

Boncour proposed that Madariaga get in touch with the Ethiopian delegation and exercise pressure upon it to veto its present terms that the negotiations take place through the intermediary of the League.

France was strongly supported by Poland and Ecuador and particularly by Rumania, the Rumanian representative stating that the Committee should "consider facts" and permit peace to be established.

Eden protested against this view declaring that pressure should not be placed on a victim of aggression.

Madariaga requested that his mandate be clarified whether it was desired that the negotiations take place within the framework of the League or whether he was granted freedom of action to discuss peace on any terms.

It was decided that Madariaga should discuss with the Ethiopian delegation the question of Ethiopia modifying its conditions respecting negotiations procedure but without employing pressure and report the results to a meeting of the Committee tomorrow.

2. A member of the Italian delegation informs me that should Ethiopia accept the Italian terms for the negotiation procedures, they would state to the Ethiopian plenipotentiary the conditions for a cessation of hostilities in which Ethiopia must acquiesce before negotiations of a general settlement could begin. He added that not until such a time would these conditions be made known. I have good reason to believe however, that the conditions which the Italians have in view are substantially those described in the latter part of my telegram No. 120.

3. Despatches received by representatives here from their diplomatic missions in London express the view that the British are employing the poison gas issue to the greatest extent possible to assist in maintaining support for the Government in its present position against Rome on the part of British public opinion and also more generally to rouse world opinion against Italy.

A member of the British delegation informs me that the Government is receiving more letters in support of its position than at any time since the beginning of the hostilities in Africa. He inquired of me as to the reaction in the United States to the Italian use of poison gas.

4. Diplomatic opinion here inclines to the view that any financial or economic weakening of Italy is not a factor sufficient to affect the situation in its present phase. Expression of opinion here has now become almost entirely open in Assembly, the issue as being primarily

between Great Britain and Italy. In this respect, the only measure short of war, which it is seen the British could employ to prevent a probable Italian control of Ethiopia, would lie in some turn in the European situation which would suggest to Rome the necessity of bargaining between her African and European positions.

GILBERT

765.84/4130 : Telegram

The Consul at Geneva (Gilbert) to the Secretary of State

GENEVA, April 17, 1936—4 p.m.

[Received 6:30 p.m.]

124. 1. Having now had opportunity to learn precisely what took place in the meeting of the Committee of Thirteen described in my 121, April 16, midnight, paragraph 1, I supplement my report on certain points as follows:

Aloisi made a formal statement to Madariaga and Avenol to the effect that if the League and Ethiopia accept the Italian conditions Italy is prepared to participate actively in the present general situation in Europe.

Madariaga told the Committee that the Ethiopians had been informed of the Italian conditions and that they definitely refused the plan for direct negotiations and also that the negotiations take place outside of Geneva and had requested the Committee to conclude that the Italian Government has not agreed to negotiate within the framework of the League.

The Polish delegate stated that he was instructed by his Government to inform the Committee that his Government considers that the responsibility in the first place must be taken by the powers chiefly interested through geographic or other considerations; before the other powers can pronounce anything the interested powers must state their positions. (This was regarded as in effect a significant disavowal of League responsibility.)

Eden, although opposing any pressure upon the Ethiopians, stated that Madariaga and Avenol could tell them that if they accepted the Italian conditions the Committee would not make any objections. He then said that if the Committee were unsuccessful in bringing the two parties together, it must register the failure of conciliation and refer the matter to the Council or to the Committee of Eighteen. That organ could decide either that the League has done all that it could in this affair and so state to the world or take new action.

2. I learn respecting Eden's reference to the matter being referred to the Council that it is the present British policy to accomplish this

if possible. In the Council the two parties will be present and would thus, in a sense, be compelled to express their position, although perhaps Italy could in fact evade this. Likewise to a degree, the positions of the other Council powers would be brought more into the open, the British aim being to present the true picture to world opinion for its possible effect on the policy of Council states, and, at the same time, to demonstrate to British public opinion that Great Britain had done its utmost through the League.

3. I learn that the opinion is common among the Council members that the British are in close association with the Ethiopian delegation on the latter's position here and perhaps also in Addis Ababa. Thus the positions the British may take are seen as having a relationship to this circumstance.

GILBERT

765.84/4129 : Telegram

The Consul at Geneva (Gilbert) to the Secretary of State

GENEVA, April 17, 1936—10 p.m.
[Received April 17—6:52 p.m.]

125. 1. I am informed that in a secret meeting of the Committee of Thirteen today, the following were the chief developments:

Madariaga reported that the Ethiopian delegation had categorically rejected the Italian terms for negotiation and had added that Abyssinian opinion had perceived that the matter had developed into two questions, one between Italy and Ethiopia and one between Italy and the League, and the Ethiopian had been abandoned.

Eden made a statement to the effect that as it was evident that conciliation had failed the only recourse for the Committee was to refer the matter to the Council from which it had received its mandate.

It was decided that the Committee would meet tomorrow to adopt a report to the Council. The date set for the Council is Monday, April 20.

Vasconcellos said that it appeared desirable that the Committee of Eighteen should be convened for next week but that no day would be set until after the Council meeting.

2. It appears to be understood that the Council meeting will be public. The atmosphere in Geneva is sober but not tense. Speculation turns on the extent to which positions taken in private in the recent series of Committee meetings would be maintained in public. It would appear evident that a maintenance of such positions would create a situation subversive to the League's position.

GILBERT

765.84/4146 : Telegram

The Consul at Geneva (Gilbert) to the Secretary of State

GENEVA, April 20, 1936—10 a.m.

[Received 11 a.m.²²]

132. While much remains to become clear respecting the exact character and significance of the reported recent *rapprochement* between the British and the French the following is roughly the immediate picture presented here.

An important motive for this understanding is seen in the alarm felt over the recently increasing antagonism between the public opinion in the two countries which has been tying the hands of both Governments. It is thus expected unless some unforeseen change occurs that the details of the procedures here while involving compromises and presumably avoiding the aspect of abrupt changes in policy will work to the end of appeasing this antagonism.

The question of a necessary concession to the French Government in view of the forthcoming elections has been prominently put forward, the British delegation has inspired the inference that after the elections the French will act with the British against Italy. In conversations with members of both the British and French delegations, however, they tell me frankly that no one anticipates that the results of the elections can affect French policy to any material degree in respect of the Italian-Ethiopian matter per se and that Eden despite anything he may state which is reflected by the British press fully recognizes this.

In diplomatic circles the deduction is that the British in view of continental considerations have changed definitely at least the character of their tactics in the Italo-Ethiopian question.

As I have previously reported the arrangement appears to include the understanding that while there will be no increase of sanctions the present measures against Italy will be maintained. The question has already arisen nevertheless respecting the continued efficacy of the present measures. The representatives of several small states tell me that in the face of the existing situation they believe that their Governments will soon be obliged in some way to allow private interests to resume trade with Italy. The Czechoslovak representative has particularly emphasized this. I learn that the Ecuadoran representative presented Vasconcellos with a communication notifying Ecuador's lifting of sanctions but that the latter persuaded him to withhold it until after today's Council meeting.

²² Telegram in two sections.

The relationship of the Franco-British entente outside of the immediate League situation—that is to the German and general European situation—from what I can gather from talks with members of the two delegations seems to be as yet largely speculative, despite the extent to which the heads of the delegations for political reasons may express themselves on this score.

The most informed opinion seems to be that although there have been exchanges of views no commitments in substance have been made here in this respect. The immediate aim has been sought of at least facilitating Franco-British understanding in other fields which is seen as a gain for Great Britain as well as for France. The employment of this understanding cannot, it is felt, be forecast until its effect on Germany can be measured and until Italy's return to the European picture. It is believed that until then nothing can be predicted respecting in particular its permanence. Back of it all moreover lies the question as to how London apparently turning from action through the League will meet the Italian threat to British interests which Ethiopia may now imply.

GILBERT

765.84/4151 : Telegram

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

GENEVA, April 20, 1936—6 p.m.
[Received 8:48 p.m.]

367. 1. Insofar as the leading delegations are concerned the session just completed²³ has been dominated by two efforts: (1) to bring about peace between Italy and Abyssinia²⁴ and (2) to take no steps which would exacerbate the already inflamed feeling between the British and French public. The first effort failed, the second was successful, and tempers are much abated both in delegations and press. This does not mean that the fundamental divergencies of their points of view are eradicated, but merely that they are less apparent due to conciliatory attitude on both sides in not pressing for their maxima in respect to the Italo-Abyssinian question. It is more than possible that the divergencies will again become acutely apparent after the French elections. Indeed, Madariaga believes that one of the first steps of the new French Government will be to initiate further peace efforts under the instigation of the Italians.

²³ Second part of the 91st session of the Council, April 20, 1936.

²⁴ See Council Resolution of April 20, 1936, approving efforts of Committee of Thirteen to effect conciliation and making further appeal, League of Nations, *Official Journal*, April 1936, p. 392.

2. While I am assured both by the British and French that the French made no effort to lift existing sanctions, nevertheless, it is apparent that the current has changed. Where previously the general desire was to increase severity of sanctions under British lead and against French restraint, now the ebb has set in and the British realize that they must maneuver carefully if existing sanctions are not to be swept away. The British tell me that they were urged by those hitherto most convinced of the necessity of sanctions not to risk calling the Committee of Eighteen lest the whole thing break down.

3. Several factors induced the British to modify their attitude to meet the French: A. Tardy recognition of the importance of the Italian military effort and Italian successes in Abyssinia; B. The demands of Paul-Boncour not to be pressed to make an unpopular decision on the eve of elections; C. Apprehension as to the instability of European conditions particularly in respect to Germany's intentions; D. The French plea that the Italian alignment with France is urgently necessary in the immediate European situation. They feel so strongly this necessity that if its achievement results in disaster for the League, so much the worse for the League.

Both Eden and Madariaga paid tribute to the conciliatory efforts of Paul-Boncour.

4. The British realize that they are gambling on a time factor. If before the rains in Abyssinia set in towards the end of May Abyssinia's resistance is fully crushed, it will mean a disastrous defeat to British policy. The moment then comes for the realization by the British public that nothing but force will stop Mussolini from full achievement of his objective. I quote responsible authority which states that however much the Labor and Liberal parties assailed the use of force arising in the application of sanctions, the Government of Great Britain refuses to entertain this idea. On the other hand, if Abyssinia's resistance still continues after the period of rains, thus permitting the full effects of the sanctions to be felt by Italy, the British hope, Mussolini may be more ready to negotiate reasonably.

5. Aloisi talks with all the bitterness of the Italian press. He says they want peace but they will not negotiate it through the Committee of Thirteen or through the League since this organization has become a "creature of England." Italy will not submit that every step of negotiation be scrutinized by hostile eyes to see whether it is in the "spirit of the Covenant." He claims that the military resistance has been crushed but the Abyssinians, and to some extent the British, take a contrary view.

6. A manifest was drafted before the public session of the Council. At the close of that session I encountered Eden who, obviously deeply

moved and referring to the collective effort against Italy, said to me "It is slipping badly. We have done our best but I fear it is going to crumble."

Memoranda of conversations and letter by mail.

Cipher texts to Rome, Paris, London, Berlin.

WILSON

765.84/4317 : Telegram

*The Ambassador in the United Kingdom (Bingham) to the
Secretary of State*

LONDON, May 7, 1936—4 p.m.

[Received May 7—12:05 p.m.]

254. Yesterday's debate²⁵ which was "mostly concerned with disputing responsibility for the Abyssinian tragedy," was noteworthy for Eden's admission of the League's failure and the desirability of its reorganization, and Sir Austen Chamberlain's²⁶ appeal for the removal of sanctions which was well received by Conservative members. I understand that sentiment in the Cabinet is moving rapidly in the same direction.

However, the debate has precipitated partisan divergencies which are reflected in today's press. The Labor *Daily Herald* states "the Government's loss of a seat at Peckham expresses above all else a loss of popular confidence in its foreign policy and in Mr. Eden. Those who once placed hope in him will read his speech of yesterday with despair." The opposition Liberal *Manchester Guardian* states "all this inquest on the dead past matters less than the lively present and the future which either actively or passively, the Government is shaping for us. What then had Mr. Eden to say about this? Nothing at all." Both the *Times* and the *Daily Telegraph* criticise the opposition for taking a partisan line on a question of foreign policy and emphasized that the League's failure was not individual but collective. The independent Conservative *Daily Mail* proclaims "That the right course for Great Britain is to clean the slate and give notice as soon as possible that she will have nothing more to do with sanctions or with the penal clauses of the Covenant."

This debate marks the beginning of the anticipated period of re-adjustment for the British public as well as for the Government.

BINGHAM

²⁵ See House of Commons, *Parliamentary Debates*, vol. 311, 5th Series, pp. 1737 ff.

²⁶ Conservative Member of Parliament.

III. Annexation of Ethiopia by Italy, May 9, 1936; Reaction of the League of Nations and of France and the United Kingdom

765.84/4365 : Telegram

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

PARIS, May 11, 1936—5 p.m.
[Received May 11—2: 50 p.m.]

389. Before leaving for Geneva it is reported Boncour²⁷ secured Blum's²⁸ support for the policy he is to pursue there; namely, close cooperation with England's policy and no initiative for the lifting of sanctions from Italy.

That Italy's annexation of Abyssinia has caused much dissatisfaction in official circles here is attested in a Havas communiqué informing the public that the French Government had given advance warning to the Italian Government that it made all reservations with respect of such procedure.

The French Government had been exerting all its powers of persuasion to avert such an open challenge to the League and particularly to England and France the principal interested powers. In fact it went so far as to sound a warning in Rome that annexation would make it difficult for the French representative in Geneva to resist the application of sanctions.

While the Duce's decision was expected and therefore not surprising it has caused considerable reaction in public opinion which runs the gamut between annoyance at an act which widens the breach in the Stresa front and disgust at the Duce's brutal manner of concluding his conquest with total disregard for League face.

Press reaction to Italy's annexation of Abyssinia is markedly divided between the Right and Left. While the former expresses a certain reluctant resignation to facts and urges a moderate attitude toward those facts, the latter clamors for revenge on Italy and the prevention of the exploitation of her conquest by the preservation and strict continued application of League principles.

The consensus of Right opinion is that an almost irremediable blow has been deliberately dealt the League from which it will be difficult to recover and that the Geneva body will now be painfully obliged to adjust facts to principles without destroying those principles and without denying those facts.

²⁷ Joseph Paul-Boncour, French representative on the League of Nations Council.

²⁸ Léon Blum, leader of the Socialist Party and of the newly elected Popular Front majority in the Chamber of Deputies.

On the other hand, certain organs of the extreme Left press rise in indignation and press for a showdown at once in a crisis which the Geneva powers had hoped to postpone.

Mailed to London, Berlin, Rome, Geneva.

STRAUS

765.84/4385 : Telegram

The Consul at Geneva (Gilbert) to the Secretary of State

GENEVA, May 12, 1936—4 p.m.
[Received May 12—11:45 a.m.]

166. From the source mentioned in my 159, May 11, 6 p.m.,²⁹ I am told as follows:

Eden³⁰ received instructions from London this morning that, respecting the Italian "annexation" of Abyssinia, the British policy is that Great Britain will not recognize the Italian position until it be recognized by the League.

He was told that Barton³¹ had been instructed merely to "sit tight". Eden was reminded, however, that the Cabinet had not given full consideration to policy since the Italian annexation and that thus this must be construed as possibly a transition policy.

Consulate's 165, May 12, 3 p.m.²⁹ Developments here are naturally creating new situations affecting the policies of all of the governments.

GILBERT

765.84/4391 : Telegram

The Consul at Geneva (Gilbert) to the Secretary of State

GENEVA, May 12, 1936—9 p.m.
[Received May 12—8 p.m.]

168. (1) In a public meeting of the Council this afternoon which dealt solely with the Italo-Ethiopian dispute and at which Italy was not represented Eden presented "as a result of an exchange of views between various members of the Council" a resolution stating in effect: that further time "to consider the situation created by the grave new steps taken by the Italian Government" was necessary, that the Council would take up the matter again June 15 and that in the meantime it considered there was "no cause for modifying the measures previously adopted in collaboration by the members of the League".

²⁹ Not printed.

³⁰ Anthony Eden, British Secretary of State for Foreign Affairs; representative of the United Kingdom on the Council of the League of Nations.

³¹ Sir Sidney Barton, British Minister in Ethiopia.

The Ethiopian delegate made another plea for the integral application of article 16.

The Argentine delegate said: "In view of the present serious circumstances, and for the safeguarding of the fundamental principles of our Covenant, I accept the draft resolution submitted, nevertheless making a reservation on behalf of my Government as far as the adjournment of the discussion is concerned."

The representative of Chile said that he had no objection to an adjournment of the question but desired to state "without pre-judging the examination of the substance of the problem that my Government is of the opinion that, since the war is finished, we should proceed to raise sanctions". Sanctions, he said, no longer have any object and the adoption of Chile's point of view would constitute an effective contribution toward remedying the present economic and political crisis. Since, under the resolution proposed, sanctions would remain in being, he would refrain from voting.

The representative of Ecuador stated that he approved the adjournment of the question but could not agree to continuance of sanctions. His Government on the contrary considered that as soon as Italy had declared herself prepared to enter into negotiations the situation would have been simplified by raising sanctions. With all the more reason his Government could not now associate itself with their maintenance. He would, therefore, vote for the adjournment subject to the reservation he had made in regard to sanctions.

The President then declared the resolution ³³ adopted subject to the reservations made.

(2) A number of representatives of Latin American states here have told me that they are watching with great interest any statement of principle made by Latin American members on the Council as having a possible bearing on questions which may arise at the Buenos Aires conference.³⁴ For this reason I have reported the statements made in some textual detail.

(3) In a preceding private meeting Avenol ³⁵ announced that the Italian delegation was leaving Geneva and the Council made arrangements for the presentation of the reports prepared by the Italian representative on subjects for which he was *rapporteur*.

GILBERT

³³ For text, see League of Nations, *Official Journal*, June 1936, p. 540.

³⁴ Inter-American Conference for the Maintenance of Peace, held at Buenos Aires, December 1-23, 1936; see vol. v, pp. 3 ff.

³⁵ Joseph Avenol, Secretary General of the League of Nations.

765.84/4464

The Ambassador in the United Kingdom (Bingham) to the Secretary of State

No. 2185

LONDON, May 12, 1936.

[Received May 19.]

SIR: I have the honor to refer to my No. 254, May 7, 4 p.m., reporting the debate in the House of Commons which was "mostly concerned with disputing the responsibility for the Abyssinian tragedy", and the press reaction thereto. Concurrently there has appeared in the columns of the *Times* a series of letters dealing with the causes and results of the failure of the League of Nations in relation to the future of that institution. The enclosed letters of Lord Lothian and Lord Charnwood, which were published on May 5 and 6, respectively,³⁶ are of interest in that connection. Lord Lothian's statement that:

"We have got into our present position because we never thought out the implications of Articles 10 and 16 of the Covenant as did the Senate of the United States"

and Lord Charnwood's assertion that:

"The United States (which, by the way, had plainly advertized to the world, in the Congressional elections of 1918, that President Wilson could not be assumed to represent them) is the one country in which, from the time of Wilson's Fourteen Points onward, public men have earnestly and carefully discussed on what lines a League of Nations could work; the result was a remarkable conversion, on the part of statesmen, who had themselves been inclined to advocate a League to enforce peace, to the opposite view—namely, that such a project involved unforeseen future entanglements which their country must in honour avoid."

are also of interest and incidentally probably constitute the only laudatory references to the United States Senate to appear in the columns of the *Times* in the past decade.

Respectfully yours,

For the Ambassador:

RAY ATHERTON

765.84/4402 : Telegram

The Chargé in Italy (Kirk) to the Secretary of State

ROME, May 13, 1936—4 p.m.

[Received May 13—2: 55 p.m.]

154. The departure of the Italian delegation from Geneva,³⁷ according to Gayda^{37a} in today's *Giornale*, interprets the feeling of the coun-

³⁶ Neither reprinted.

³⁷ On May 12; see League of Nations, *Official Journal*, June 1936, p. 539.

^{37a} Italian Foreign Office spokesman.

try, which has had enough of Geneva particularly after its attempt to perpetuate the fiction of an Ethiopia that fortunately will never again exist and it signifies that Italy will remain aloof from the League so long as its present attitude continues. This is the first step in definite clearing up of Italy's European and League positions. Sanctions now can be nothing but an indication of unfriendliness or hostility on the part of individual governments and Italy will cooperate neither with the League so long as sanctions continue nor with any government applying them. Meanwhile she cooperates actively with Austria, Hungary, Albania and other important European countries and pursues a policy of collaboration with the United States who has kept aloof from League imbroglios, with many South American countries and with Japan.

The dispute between fiction and fact, Italy and the League, he concludes, may become open dissension in the heart of Europe: Italy will not have provoked it and it will not be Italy to feel the possible consequences.

KIRK

765.84/4410 : Telegram

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

PARIS, May 14, 1936—noon.

[Received May 14—9:25 a.m.]

403. In conversation with an official at the Foreign Office yesterday afternoon he said that the exact status of Ethiopia was "most confusing and without precedent". He said that the French Government had received official notification from the Italian Government of the decree annexing Ethiopia; the French Government, however, had not as yet "even begun to consider" what form any reply if and when made might take. There were "no useful precedents" for such a case, for instance during the World War Belgium had been overrun and occupied but the Belgian Government always remained in possession of the Belgian soil and in active resistance to the enemy; the more recent case of Manchuria "was much less delicate" for France since French interests there were relatively unimportant. The League of Nations in its resolution of May 12, 1936,³⁸ had "apparently" decided that Ethiopia still existed as an independent state "and there the matter stands". He said that the French Government had counselled the Italian Government against any such drastic move as annexation pure and simple and had made "reservations" against such an eventual-ity well in advance of the Italian announcement of annexation.

In response to an inquiry he said that there had been no "active"

³⁸ League of Nations, *Official Journal*, June 1936, p. 540.

discussions with the Italian Government respecting French interests in Ethiopia such as the railway; the impression was obtained however that the "reservations" undoubtedly covered such interests.

This official said that the French Government was completely in the dark regarding the exact significance to be attached to the withdrawal of the Italian delegation from Geneva and that the Italian Ambassador whom he had seen the night before could throw no light on the matter. He (this official) believed however that Mussolini had no present intention of withdrawing from the League since the League might prove useful later on to Italy and that the dramatic departure of Aloisi had been ordered more in the nature of a protest against the attitude assumed by the Council in the Ethiopian question.

He said that in the meeting at Geneva of the Locarno powers (minus Italy) there had been no discussion beyond an agreement that nothing could be discussed until Germany replies to the British questionnaire.³⁹

He added that while there seemed to be a certain amount of attention being given to schemes for the reform of the League (for instance the British press has been publishing letters) such a matter would obviously require months of work and the French Government was at present more concerned with finding some practical solutions to the pressing problems immediately confronting Europe.

Cipher texts to London, Berlin, Rome, Geneva.

STRAUS

765.84/4433 : Telegram

The Consul at Geneva (Gilbert) to the Secretary of State

GENEVA, May 15, 1936—10 a.m.

[Received May 16—8:50 a.m.]

173. The Secretariat issued last evening a communication from the Chilean representative⁴⁰ in which it is stated, "My Government is of the opinion that in view of the recent events which have put an end to the war between Ethiopia and Italy, it would be proper to discontinue the economic, financial and other measures decided upon in connection with this conflict".

In view of this communication being in terms of a proposal it is not known here whether Chile has actually discontinued the sanctions measures.

GILBERT

³⁹ See telegram No. 116, April 22, 3 p. m., from the Chargé in Germany, vol. I, p. 295.

⁴⁰ League of Nations, *Official Journal*, Special Supplement No. 150, p. 338.

765.84/4440 : Telegram (part air)

The Consul at Geneva (Gilbert) to the Secretary of State

GENEVA, May 15, 1936—8 p.m.

[Received May 17—6:38 a.m.]

177. The aftermath of the Council meetings has presented to my mind a picture of definite significance.

The turn of events has obviously brought European League states very close to a crossroads where decisions must perforce be taken. There is reflected here an actual conflict in progress in all European capitals between two courses of action, i. e., whether to make a final effort to salvage if possible collective security or to seek to achieve their national necessities by other means. In the "neutral" states this latter takes the form of a possible return to their historical position of neutrality; among the other states it is seen in their seeking new alliances or regional arrangements. Which tendency may prevail is still an open question, but this preponderating evidence of the moment suggests a turning to nationalistic policies, a trend which is given an impetus by the feeling in a number of states that they cannot afford long to postpone the tactical advantages of early action.

The policy of the maintenance of existing sanctions is not accorded real support in any quarter. It is described here as being "no policy" in that it not only does not accomplish the end sought but also has the disadvantages of prolonging the disruptions in finance and trade and of being in a political sense an aggravation rather than a cure. In my view, however, this policy does serve the immediate end of holding the European states temporarily together on the semblance of a common basis.

The unanimous view of the government representatives here is that there are only two possible courses which can in honesty be called policies, (1) to impose effective economic sanctions which would presumably involve military measures or, (2) to abolish all sanctions.

Eden, Litvinoff,⁴¹ Munch⁴² and a number of foreign ministers remained in Geneva yesterday for consultation. I am generally informed confidentially of what transpired and I present a few characteristic elements.

Eden remained in Geneva with the intent of ascertaining further the views of the European states and in order to formulate his report to the Cabinet and to prepare to face Parliament. There was no attempt at coordinating a policy between the League states inasmuch as he had no British policy to present.

⁴¹ Maxim Litvinoff, Soviet delegate on the League Council.

⁴² Peter Munch, Danish delegate on the League Council.

The neutral powers merely recapitulated their attitudes as outlined in my 158, May 11, 5 p.m.⁴³

The Little Entente displayed a marked division of views among its members indicating trends toward new arrangements. The Balkan Entente showed a somewhat greater solidarity in expressing common fears of Italian designs on their territory. The Yugoslav Foreign Minister stated bluntly to Eden "you will eventually have to fight Italy for the Mediterranean and the Suez. I suggest the wisdom of your doing so now while you have us with you and not later when we might very possibly be in some other camp." There is a recrudescence of talk, although vague, concerning a Mediterranean pact and the possible inclusion of Italy therein.

Litvinoff said to Eden, "should you have proposed in yesterday's Council military action against Italy I would have pledged material support". As the matter stands, Russia is seen as playing an opportunist policy. Litvinoff was responsible for the insertion of the weakening phrase "in the meantime" in the Council's resolution of May 12⁴⁴ and Russia is generally perceived as favoring Italy as a counter to Great Britain's leanings toward Germany.

Poland, while naturally in no way associated with them, adopts here the general position of the neutral powers and assumes a questioning attitude.

The extreme uncertainty of the French position is seen in that Paul-Boncour absented himself from the drafting of the Council resolution and did not remain over for yesterday's discussions.

What Great Britain will do in the present circumstances is regarded here as incalculable. There is talk that London may be able to exercise a determining financial pressure on Italy. There is also a revival of the belief that Great Britain will attempt to check Mussolini by encouraging Berlin to precipitate the *Anschluss*.⁴⁵ While many states apparently directly concerned do not show great alarm over such a development there is, nevertheless, a general fear of its bringing in its train unforeseeable disturbances.

Vasconcellos⁴⁶ has published a notification in the form of a reply to the communication of the Chilean Government (Consulate's 173, May 15, 10 a.m.) postponing the date of meeting of the Coordination Committee to that of the next Council, now fixed for June 16. In respect of the effect of this situation on the League it is believed it

⁴³ Not printed.

⁴⁴ League of Nations, *Official Journal*, June 1936, p. 540.

⁴⁵ Union between Germany and Austria.

⁴⁶ Augusto Vasconcellos, Portuguese delegate to the League of Nations and Chairman of the Committee on Coordination.

will be even more difficult politically and technically to raise sanctions than it was to impose them. This situation is also thought of in the terms of a revised League, or of a future League, for which a favorable point of departure is being considered.

GILBERT

765.84/4439 : Telegram

The Consul at Geneva (Gilbert) to the Secretary of State

GENEVA, May 16, 1936—6 p.m.

[Received May 16—4:55 p.m.]

180. Consulate's 177, May 15, 8 p.m., paragraph 8. I have just learned in confidence the length to which the question of a Mediterranean pact has actually proceeded. In the conversations described in my telegram under reference the following privately transpired.

The Balkan Entente representatives broached to Eden and to the French representative who remained here, the question of a Mediterranean pact to include Great Britain, France, Spain, Italy, Yugoslavia, Greece and Turkey, which the last three named jointly and individually advocated.

While Madariaga⁴⁷ discussed such a development with certain interested representatives under the guise of seeing a settlement of the League situation, in some instances he disclosed the favorable attitude of the Spanish Government to the project and it must be assumed that he was acting under instructions.

The attitude of Eden toward the Balkan representatives and toward Madariaga was most carefully assumed. He took care especially to impress upon his own auditors that he himself had not raised the question in any way, although his spoken statements were merely that the idea was not excluded, the impression gained by them was that his attitude was distinctly favorable and in fact that he seemed to be relieved that such a scheme was in the making. It is known that he immediately communicated with London on the subject.

Madariaga presented the question to the Italian representative here who made no comment except that he would transmit the matter to Mussolini direct.

France is known to be favorable.

The whole plan is being most cautiously advanced partly through the agency of Madariaga, not in the form of a proposal but as a private raising of the matter in respect of the problem with which the League is faced.

⁴⁷ Salvador de Madariaga, Spanish permanent delegate to the League of Nations.

As a part of the picture here, Madariaga rather freely discusses a plan for League reorganization in which it will be noted such a pact would fit. This plan is in brief a reaffirmation of the Covenant by all League states accompanied by such reservations as each might wish to make concerning, for example, articles such as 16 and the setting up of regional arrangements which would embody any article or groups of articles of the Covenant. The foregoing is in fact a serious project for the reestablishment of the League, but my informants also regarded it as being susceptible of preparing public opinion at the same time for a Mediterranean pact.

The proposed pact is in reality perceived as a means of presenting a counter to Germany as well as to Italy in the entire European field. Russia is known to be advocating its consummation for this reason. Beneš,⁴⁸ through advance soundings, appears to be entirely favorable and Madariaga will shortly visit Praha to confer with him concerning its development. Rumania is officially aloof but it is known that Bucharest will be favorable provided it shows signs of being realized, the advantages to her lying through her interlocking arrangements with the Little Entente and Balkan Entente. The preoccupation of the Balkan Entente states in respect of this question is primarily their fear of Italy. Their attitude is therefore that such an arrangement is of no value to them whatsoever unless it embodies mutual assistance guarantees by Great Britain and France.

Thus the whole question is seen to hinge at this time on the British position.

My informants, who participated in the discussion concerned, tell me that they regard this whole endeavor as of genuine significance.

A general difficulty is found in how the Italian position respecting "recognition" of Abyssinia can be surmounted.

GILBERT

765.84/4485 : Telegram

The Chargé in Italy (Kirk) to the Secretary of State

ROME, May 22, 1936—6 p.m.

[Received May 22—4:10 p.m.]

176. In spite of the optimism to official statements of Italy's present financial and economic situation the damage that is being done to Italian economy by the operation of sanctions is being frankly admitted. For a country like Italy which has reached an important

⁴⁸ Eduard Beneš, President of Czechoslovakia and President of the League of Nations Assembly.

stage of industrialization a reduction of foreign trade in the aggregate by 43% such as has occurred as a result of sanctions cannot be looked upon with equanimity by those responsible for the welfare of the country. The possibility that the temporary loss by Italy of markets abroad might become permanent with the passage of time is also a major preoccupation. It is natural, therefore, that from the economic and financial point of view the Italian Government should be eager to have sanctions terminated as soon as possible, either through the crumbling of the sanctionist front or through concerted action at Geneva. There is reason to believe that Italy would prefer the former method of getting rid of sanctions since the possibility of her being asked by the League to [apparent omission] humiliation would not then arise as it might if she were faced by a solid front in Geneva ready to lift sanctions but in return for a *quid pro quo*.

Furthermore, it is not only because of financial and economic considerations that Italy desires the elimination of sanctions but for moral reasons as well. And the last might conceivably be the most impelling of the three. Mussolini, in spite of public declarations to the contrary, undoubtedly feels keenly the stigma attached to Italy's position of a virtual outlaw in Europe and the disability under which he now labors in taking an active role in European affairs. Not only is this feeling shared by the people themselves but they are certain to interpret the continuation of sanctions after the original avowed objective thereof has failed as a manifestation of malice and vengeance directed against them. It is believed here at the present time that Italy might still hold out against sanctions for another 6 months or even a year before the economic financial situation became acute enough to cause Mussolini to weaken in his resolution to carry through to the end the political policies he has resolved upon. In the meantime, however, there would be a very real danger that the moral factors mentioned above might cause the people under Mussolini's direction to react much more violently than they did at the time when sanctions were applied and that the outcome of this reaction might develop into a further element of complication in the already confused European scene. Even in circles where wholehearted disapproval of Italy's action as regards Ethiopia is manifested this danger is recognized and taking the long view the opinion prevails in these circles at the present time that everything should be done to avoid exasperating Mussolini and the Italians to the point where they might break forth in further excesses as a protest against what is now regarded as an insult to their national pride and an injury to their economic life.

KIRK

740.0011 Mutual Guarantee (Mediterranean)/51 : Telegram (part alr)

The Consul at Geneva (Gilbert) to the Secretary of State

GENEVA, May 28, 1936—2 p.m.
[Received May 29—3:15 p.m.]

197. I have from time to time been able to confirm from further sources the substance of my telegram 180, May 16, 6 p.m., concerning a projected Mediterranean pact and to obtain the following information respecting recent developments.

(1) The Balkan Entente states appear to be anxiously hopeful that one of the great powers take the initiative. The approaches of Belgrade, Athens, and Ankara, and to an extent Bucharest to London on this question take their departure from the existing mutual aid arrangements⁴⁹ between Great Britain and those countries which are manifestly eager, due to their fear of Italy, that such project be consummated.

As indicative of this I find that the Ministers here of the three states first named are being kept unusually informed by their Governments as to how the matter is progressing.

(2) In a conversation with an informed Italian official here he confirmed to me the transmission of the Mediterranean "proposals" to Rome in the manner I previously described. He stated frankly and I believe sincerely that while Rome had presumably not advised him on all points he had nevertheless officially been instructed "for his guidance" on the background of pertinent Italian policy. He told me he understood that Italy was entirely ready to agree to such an arrangement with, however, the usual proviso that sanctions first be lifted. He added that this condition prevented Italy immediately taking the initiative. He said that it should be entirely manifest to everyone that Italian policy must now be seen as precluding any possible "designs" against the small Mediterranean states. He said that Italy was further ready to give Great Britain and France guarantees respecting their African interests. He spoke with surprise concerning London's apparent endeavor to keep British-Italian animosities alive referring to what indeed seems to be a recrudescence of anti-Italian expressions in the British press. He admitted in a guarded manner that sanctions were hurting Italy but said that Great Britain must be blind not to perceive that Italy could not passively permit itself to be worn down by such measures and particularly in view of her recent successes to submit to a "bankers' victory". He

⁴⁹ Mutual aid arrangements between Great Britain on the one hand and France, Yugoslavia, Greece, and Turkey on the other for collaboration in the event of special measures of a military character by Italy against any one of them; see British Cmd. 5072, Ethiopia No. 2 (1936): *Dispute between Ethiopia and Italy, Correspondence in Connection with the Application of Article 16 of the Covenant of the League of Nations, January 1936.*

stated his belief that a continued attempt along these lines would provoke Italy to violent action or at least thrust her entirely toward Germany (he speculated on a possible Italo-German agreement respecting Austria along the lines of the Russo-Rumanian arrangement concerning Bessarabia).⁵⁰ He said that he believed that an element in British tactics was to maintain the *status quo* respecting sanctions and the general League position while Italy weakened and Great Britain gained in strength and in particular that Great Britain preferred that the responsibility for any overt material action lie with the Italians in order to derive therefrom the greatest possible support both from the League and from world opinion. He felt that the situation was drifting toward serious possibilities should Italy be driven desperate by this policy.

(3) He further told me that he understood that Rome had not yet accepted the invitation to the Straits Conference⁵¹ and he believed that such acceptance also depended upon the lifting of sanctions.

(4) The Mediterranean representatives here are thus watching with apprehension British and French positions on sanctions. Feeling assured that France favors a Mediterranean adjustment they tell me that their Governments have been endeavoring to persuade Paris to take the initiative. They believe that London is holding Paris back from such action and assert that they have positively ascertained that Eden obtained an assurance from Blum that France would not bring forward in Geneva the lifting of sanctions and that the two reached a tentative agreement to defer the matter of sanctions and the entire Italo-Ethiopian question until the regular assembly, this to be accomplished either by taking pertinent formal action at the Council meeting on June 16 or by not holding the meeting.

There are in fact rumors here that the June 16th meeting will not take place.

GILBERT

765.84/4532 : Telegram

The Chargé in the United Kingdom (Atherton) to the Secretary of State

LONDON, May 29, 1936—1 p.m.

[Received May 29—9:15 a.m.]

288. In order to break the Anglo-Italian stalemate by reviving interchanges between the diplomatic representatives of the two countries

⁵⁰ Perhaps a reference to the Convention for the Definition of Aggression between Afghanistan, Estonia, Latvia, Persia, Poland, Rumania, the Union of Soviet Socialist Republics, and Turkey, signed at London, July 3, 1933; League of Nations Treaty Series, vol. cXLVII, p. 67. While there is no specific reference in this convention to Bessarabia, yet there is the implication that the Soviet Union was committed supposedly to settle the dispute without resort to aggressions defined in the convention.

⁵¹ See pp. 503 ff.

as well as to influence British public opinion a diplomatic correspondent of the *Daily Telegraph* was sent to Rome at the behest of important elements in the Conservative Party to obtain an interview with Mussolini. This interview which has been widely quoted here and I understand in the American press appeared yesterday.

Today the *Daily Telegraph* diplomatic correspondent gives his considered conclusions: (1) "that Signor Mussolini today desires peace; he is profoundly aware of the inevitable consequences of any other policy"; (2) that he speaks for all Italy in asserting Italy's "undisputed sovereignty over Abyssinia" the exploitation of which will occupy Italian energy for decades; (3) that the sanctions which are not being effective should be withdrawn in which case Italy would participate in the work of any committee set up by the League of Nations to prepare a better security system but if they are not withdrawn Italy will leave the League and this step may "be accompanied by more selective arrangements to guarantee Italian security".

It is noteworthy that Eden saw Grandi ⁵² yesterday and the Foreign Office press bureau gave out that for the first time since the occupation of Addis Ababa some of the problems raised by the present relations of Italy to the other League powers were discussed and that Grandi expressed Mussolini's desire for better understanding with Great Britain and reiterated the assurance that Italy had no designs against British interests. One of my colleagues understands from Grandi that he personally stressed that sanctions were not penalizing the immediate Italian economic and financial position but driving Italian public opinion and above all the Italian state into a situation similar to that of Germany.

ATHERTON

765.84/4544 : Telegram

The Chargé in Italy (Kirk) to the Secretary of State

ROME, May 29, 1936—4 p.m.

[Received 4: 55 p.m.]

182. I am informed that Mussolini has stated that unless the situation changes materially by June 16 especially as regards sanctions and the status of the Negus he will not send a delegation to the meeting of the Council at Geneva but will be represented at the Straits Conference which is scheduled to convene at Montreux on June 22. This latter meeting is looked upon as furnishing an opportunity for discussion of the Abyssinian problem among representatives of the

⁵² Dino Grandi, Italian Ambassador in the United Kingdom.

interested European powers and of furthering a possible solution by reaching an agreement on the general Mediterranean problem as a broader basis for understanding.

In the meanwhile, there is every indication that the military preparedness in Italy is being maintained and even increased activities in certain branches are reported. The fleet is being kept at the height of preparedness. Increases are reported in aviation equipment and in offices, and it is said that new military airdromes are being developed in the northeast sector. As regards the army, it is reported that several new classes are to be called up and that schools in the Piedmont sector are to be closed so as to be available for barracks and the return to Italy of Marshal Badoglio is looked upon as an indication of intensive activities within the General Staff. In fact, the country appears to be fully established on a war basis and the extent of this preparation combined with the mood engendered by the recent successes in Abyssinia has created a state of mind on the part of Italians which is by no means conducive to an attitude of restraint in the face of what they regard as unjustified opposition.

The menace inherent in the present situation cannot be denied. Mussolini has declared that his decisions are irrevocable. He appears to have staked his prestige on maintaining the position which he has established and there is basis for the opinion that any recession from the main lines of that position would be practically impossible. Under that opinion any policy of bluff on his part is excluded for in the last analysis he would have no other course than to make good or try to make good the position which he has declared. Public opinion is firmly behind him. He has achieved more than he promised and has proved to the people the necessity if not the value of the measures which have been adopted in attaining his ends. He has strengthened the regime by recent administrative measures and it is rumored that fresh steps in this direction, both as regards changes in important offices as well as affecting governmental organizations and bodies, may be expected in the near future. Mussolini, it is believed, is looking for a peaceful solution. To that end it is alleged that he is ready to give other countries, and especially England, every assurance that their interests will be amply respected whether in Abyssinia or Egypt or elsewhere, and the Duce himself has declared that Italy, having attained satisfaction, will be fully occupied in exploiting her conquests and will menace the peace of no nation. To effect such a solution, however, would appear to be impossible if the policy of other countries, and of England in particular, is to be predicated upon a consideration of the moral issues involved in Italy's action in Abyssinia rather than upon a conviction that some solution must be found which will liquidate this particular venture in order

that nations may bend their efforts towards the reorganization of international relationships on the basic principles which have hitherto been acknowledged and which would preclude a repetition of events similar to the one which has created the present situation. Those who are convinced of the grave danger of what appears to be a present deadlock are hoping that a realistic view of the problem may prevail in order to obviate the pursuit of a policy which, on the one hand, might bring about scenes within Italy of which the consequences cannot be foreseen or, on the other, drive Mussolini to precipitate a general conflict in order to demonstrate his power if only by initial successes.

KIRK

765.84/4543 : Telegram

The Consul at Geneva (Gilbert) to the Secretary of State

GENEVA, May 30, 1936—6 p.m.

[Received 8:55 p.m.]

202. Consulate's 201, May 29, 8 p.m.⁵³

(1) I have now had opportunity to discuss with the Argentine Minister⁵⁴ the character and status of the Argentine position respecting the convoking of the Assembly in the Italian-Ethiopian dispute.

He tells me that several days ago he received instructions to sound out other permanent representatives here concerning such action by Argentina. He stated that although they were definitely not expressing the official views of their governments he found them generally favorable. He mentioned in particular certain Latin American powers although not naming them, the European "neutral" states, Portugal and Poland. He asserted that neither Great Britain, France nor Italy had any advance knowledge of the matter and that "naturally" there had been no approach to Russia. Yesterday he had exposed these developments to Azcárate.⁵⁵ It was not intended that this matter be made public until it could be further explored but that almost immediately after his conversation at the Secretariat a leak had occurred. He emphasized that it should be distinctly understood that his Government had made no formal *démarche* whatsoever, that any formal action determined would of course have to be in writing and would have to include the terms of reference of such a demand for a convocation concerning which terms his Government in particular had come to no decision. Possible terms of reference had indeed been

⁵³ Not printed.

⁵⁴ Enrique Ruiz-Guiñazu, Argentine permanent delegate at the League of Nations.

⁵⁵ Pablo de Azcárate, Deputy Secretary General of the League of Nations.

in part the subject of his conversation with the other representatives here, and had embraced the question of sanctions and the problem of "recognition". These discussions had naturally impinged at least by direct inference on the whole problem of the "reform" of the League and of the future of the League. His Government envisages the date for such a meeting of the Assembly as before or during the meeting of the Council scheduled for June 16th.

(2) It is impossible at the moment to appraise the nature or the results of this development. It may be immediately noted, however, that the list of the powers which Argentina has consulted in advance is a very special one in both its inclusive and exclusive aspects. It represents powers which not being directly concerned are inclined to base their positions on principle. In association with principle it, in a broad sense, further represents as indeed the Argentine Minister expressed it to me a "revolt" of the small powers against the League and themselves being used as an instrument in the policies of the great powers. I think it may readily be seen that Poland also would like to have hand in such a game.

How deep are the understandings in this, reached beforehand among the powers, or whether the action of Argentina is in a sense precipitate, is not yet apparent. The position taken by Argentina in the May 12th meeting of the Council should be noted (Consulate's 168, May 12, 9 p.m.) and members of the Secretariat inform me that they are certain that Great Britain and France had felt that Argentina would make some move of this character but that this particular action came to them as a surprise. I think that it may especially be noted that while the urge for such action on the negative side so to speak is fairly evident of the widespreading "dissatisfaction" with the League the possible results on the positive side are not at all evident, and may have unpredictable and far-reaching consequences.

To what extent the Argentine action may be motivated by Latin American political considerations is from this point regarded as being a highly probable angle of the picture. The divergence in policy displayed here between Argentina on the one hand and Chile and Ecuador on the other hand is noted and speculation turns on presumable preoccupation of Saavedra Lamas⁵⁶ concerning the Argentine pact of non-aggression⁵⁷ and his pertinent policy in relation to the Buenos Aires conference.

(3) The small "interested" powers appear to be obviously taken completely aback by this happening. I feel convinced that they had no advance knowledge of it here inasmuch as when I took up the

⁵⁶ Carlos Saavedra Lamas, Argentine Minister for Foreign Affairs.

⁵⁷ Anti-War Treaty on Nonaggression and Conciliation, signed at Rio de Janeiro, October 10, 1933, *Foreign Relations*, 1933, vol. iv, p. 234.

question with the Yugoslav Minister last evening it was evident to me that I was the first to tell him of it. The representatives of the Balkan Entente powers tell me that they have as yet no opinion as to what attitude their Governments will take. The reaction of London and Paris is thus far here entirely a matter of speculation. The neutral power representatives while agreeing to such action in principle gravely question its timeliness. The Italian reaction here, in so far as I can ascertain it, is an extreme annoyance.

There is also a general criticism of Argentina's action as an improper intervention in critical European affairs.

(4) The technical situation is that the Assembly stands adjourned subject to the call of the President. Beneš has been informed of this matter. It is believed that as Chief of State he cannot serve and the question seems to be whether a vice president of the Assembly would act or a new president be elected. It is felt, however, that Beneš will keep his status in respect of this open for a time and thus to a degree keep his hand on the situation.

GILBERT

765.84/4545 : Telegram

The Chargé in Italy (Kirk) to the Secretary of State

ROME, June 1, 1936—11 a.m.

[Received June 1—6: 36 a.m.]

183. In an editorial yesterday Gayda reported conflicting interpretations abroad of Argentina's proposal for the convening of the League Assembly to discuss the two "not necessarily related" questions of sanctions and recognition of Italian sovereignty. He refused to analyze this move both on the ground that Genevan affairs no longer interested Italy except as a basis to future policy and because Argentina's intentions were not yet clear: that country had voted for but not applied sanctions; on the other hand she not only evinced in contrast to the majority of Latin American opinion a returning sympathy for the League but was also under British financial control. At the same time he remarked that the question of an Assembly meeting was itself confused since Beneš legally should convene it but now being Czechoslovak President he would probably not act as President of the Assembly. Meanwhile, Italy remained completely aloof from Geneva and would not return until the Ethiopian and general situation became entirely clear.

As to sanctions the writer said that to continue them, now the war was over, could reveal only petty spite, reprisal leading inevitably to war, or an intention on the part of powers interested in Africa to use sanctions as a lever with which to obtain concessions. In this last

connection he specified that Italy's early proposal for consultation on the Ethiopian problem had been spurned and that the time for bargaining had now passed: the Empire was irrevocably constituted and there could be no revision of positions or boundaries except for the recognition of a few legitimate foreign rights which could be discussed only in an atmosphere of serenity and peace such as sanctions precluded.

KIRK

765.84/4557 : Telegram

The Ambassador in Argentina (Weddell) to the Secretary of State

BUENOS AIRES, June 2, 1936—10 a.m.

[Received 1:30 p.m.]

119. The Minister for Foreign Affairs spoke to me yesterday of the suggestion which he was making to the League of Nations that the Assembly be convened at the earliest possible date to consider the Italian-Ethiopian question. He informed me that previous to advancing this idea the British and French Governments had advised him of their desire that discussion of the whole subject be postponed until September or else October in which latter month the Assembly would meet in regular course. He had replied that he felt this delay would adversely affect the prestige of the League. He said further that if the Assembly was not convened at an early date and the matter arose in the Council, Argentina would refuse to vote there and would make its reasons known. He added that failure of the League to take early action in this case where one member had by violence absorbed another would utterly destroy its moral influence. Continuing the Minister said that some time ago he had suggested to the British Government consideration of the advisability of expelling Italy from the League and that he was told in reply that they could not consider this action since its effect would be to throw Italy into the arms of Germany.

I asked what was the present attitude of his Government toward the application of sanctions against Italy. The Foreign Minister replied that Argentina was continuing the application of the sanctions to the extent previously made known although he added the effect of this was nil. With regard to sanctions involving the prohibition of imports from Italy, he said that the request laid before the Congress that it take action on this point was still before that body. The Minister stated further that Argentina would continue to live up to its principles and would vote consistently for these principles in the League of Nations.

Reference was made to the impending Pan American Peace Conference. The Minister said that the President of Colombia⁵⁸ . . .

⁵⁸ Alfonso Lopez.

had asked him to join in a request for inclusion in the agenda of the Peace Conference the matter of a Pan American League of Nations but that he had declined to do so for the reason, among others, that the request as drawn by the Colombian President contained an attack on the League of Nations of which Argentina is a loyal member. Just here he remarked that the Secretary General of the League of Nations had advised him that it would be well if the Peace Conference might be held in September and prior to the normal meeting date of the League Assembly but that he had not reacted favorably to this.

In conclusion, and when I thanked him for supplying me with the details relating to Italy's signature of the anti-war pact, enclosed in my despatch No. 1189 of May 22,⁵⁹ the Minister said that Italy's reservations made of its signature "a joke" and that he had so informed the Italian Ambassador.⁶⁰

WEDELL

765.84/4558 : Telegram

The Chargé in the United Kingdom (Atherton) to the Secretary of State

LONDON, June 2, 1936—5 p.m.
[Received June 2—1:15 p.m.]

292. The French Ambassador⁶¹ under instructions called early last week on the Foreign Secretary and after referring to the German situation stated that in the opinion of the French Government it was desirable that there should be a realignment of the Western Powers and that France wished to establish a common policy with England in regard to sanctions and the League of Nations and that in order to render this possible the French Government would welcome an expression from the British Government of its views as to the procedure to be followed at the League Council meeting and in any case it would be helpful to have a detailed exposition of British policy with regard to the Italian-Abyssinian situation.

At the end of last week the French Embassy was informed by an Assistant Secretary of State that the Cabinet had been unable to reach any agreement on the matters of policy involved (see my 280, May 26, 1 p.m.⁵⁹) and that it was doubtful whether such de-

⁵⁹ Not printed.

⁶⁰ For correspondence relating to Italian adherence on March 14, 1934, to the Anti-War Treaty of Nonaggression and Conciliation, signed at Rio de Janeiro, October 10, 1933, see República Argentina, Ministerio de Relaciones Exteriores y Culto, *Memoria Presentada al honorable Congreso Nacional correspondiente al período 1933-1934*, vol. I, p. 209.

⁶¹ André Charles Corbin.

cisions could be arrived at before the end of this week. Privately and confidentially the Assistant Secretary stated that he felt that the British Government would subsequently require time to consult with the new French Government and that therefore it was probable that the Council meeting of June 16th would have to be postponed for 10 days or more particularly since it was becoming increasingly clear that the question of the continuation of sanctions must arise at that time. Incidentally he added that Grandi's meeting with Eden (reported in my 288, May 29, 1 p.m.) had not added much to Mussolini's *Daily Telegraph* interview which was inconclusive.

Accordingly the French Ambassador left Saturday for Paris to discuss the situation with the incoming government but he is returning tomorrow since the Foreign Office states today that it will have a memorandum of reply to discuss with him then. However, the French Chargé d'Affaires believes that this memorandum will not contain decisive information but will permit the British Cabinet to indicate that they have communicated with the French and in turn have asked certain questions of the French Government.

The French Ambassador considers Blum to be an advocate of close cooperating with England more especially in support of the League and at the same time advocating the summoning of a disarmament conference to attempt "real disarmament". The French Ambassador has pointed out that such a course would be embarrassing to the British Government at the present stage of its rearmament activity and argued that the summoning of such a conference without elaborate and satisfactory diplomatic preparation would probably have a disastrous result.

The French Ambassador telephoning from Paris today stated that the incoming government was so concerned with the internal situation that it was inconceivable that it would be prepared to give early consideration to the above or in fact to take any active far-reaching steps in international affairs for the moment.

ATHERTON

765.84/4563 : Telegram

The Consul at Geneva (Gilbert) to the Secretary of State

GENEVA, June 3, 1936—noon.
[Received June 3—10:15 a.m.]

206. My telegram No. 204, June 2, 3 p.m.⁶³ The formal Argentine request⁶⁴ for convocation of the Assembly was issued last night. It

⁶³ Not printed.

⁶⁴ League of Nations, *Official Journal*, Special Supplement No. 151, p. 97.

refers to the Argentine reservation in the May Council (Consulate's 168, May 12, 9 p.m.) and to the desirability of democratizing the Council functions and it stresses the necessity for all League members to have an opportunity of considering the problems arising out of the Italian-Ethiopian dispute and of assuming their responsibilities therein. It refers to article 10 of the Covenant and to the "unchanging tradition" of Pan-Americanism and indicating as the purpose for the Assembly the questions of the annexation of Ethiopia and of sanctions.

I understand *New York Times* correspondent has cabled textually essential paragraphs.

GILBERT

765.84/4660

Memorandum by the Chief of the Office of Arms and Munitions Control (Green)

[Extract]

[WASHINGTON,] June 5, 1936.

I had luncheon today with Mr. Felix Morley, Editor of *The Washington Post*. Mr. Morley's new assistant editor and Mr. Yost of my Office were present. Mr. Morley has just returned from a visit to England where he had a three-quarters of an hour interview with Mr. Eden and conversations with various other figures in British public life.

Mr. Eden informed Mr. Morley that he did not believe that the present moment was the proper time to initiate any change in the Covenant of the League; he did not feel that any steps of this sort would be taken before the autumn meeting of the Assembly. He said that he was unable to make any prediction as to when sanctions against Italy would be lifted or to forecast the attitude of the new French Government towards such action. Mr. Eden indicated, however, that the British Government would have been prepared to close the Suez Canal last autumn if it could have secured the necessary support from the other sanctionist powers. In reply to a question as to the attitude of England in case of German action against Czechoslovakia, he said that, while the British Government would naturally be greatly concerned at any violation of the Covenant of the League in any part of the world, it would not feel the same responsibility in regard to developments in Central Europe as it would toward developments along Germany's western frontier, where Great Britain had definite treaty obligations.

In a discussion of the British rearmament program, Mr. William Henderson, son of Mr. Arthur Henderson, informed Mr. Morley that, while the Labor Party was glad that it was not itself obliged to take the responsibility for this step, it was nevertheless convinced of its necessity and was prepared to support the program to the limit. Other members of the Labor Party, including Mr. Hugh Dalton, Under Secretary for Foreign Affairs in the last Labor Cabinet, expressed deep regret that Great Britain had not taken vigorous action against Italy last autumn and blocked Mussolini at the outset. They did not seem inclined to blame the United States or any other power for the failure of sanctions but felt that the principal responsibility lay at the door of the British Government.

JOSEPH C. GREEN

765.84/4576 : Telegram

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

PARIS, June 5, 1936—3 p.m.

[Received June 5—11:45 a.m.]

460. With reference to the expected meeting of the Assembly of the League about the 29th of this month as a result of the Argentine initiative, we were told at the Foreign Office today that they feel that while there may be a majority at [of] the states represented at the Assembly in favor of lifting sanctions, there certainly will be no serious move for recognition of Italian sovereignty over Ethiopia and that a debate on this latter question in which representatives of some 50 nations may take part "will only complicate the matter".

With regard to the Argentine initiative, views have been expressed in the press here to the effect that this step may have been taken at the instigation of other powers. It is the view of the Foreign Office, however, that it was dictated solely by motives arising out of Argentina's continental policy reinforced by Saavedra Lamas' well-known desire to play a great role on the international scene.

Referring to the conversations which are reported to be taking place looking to a possible understanding between Germany and Italy, the Foreign Office believes "that there is something in it" but feels that Mussolini will not commit himself to anything at least until after he has had an opportunity to judge the results of the Assembly's action on the question of Ethiopia and that of sanctions.

Cipher copies to London, Berlin, Rome, Geneva.

STRAUS

765.84/4591 : Telegram

*The Chargé in the United Kingdom (Atherton) to the Secretary
of State*

LONDON, June 6, 1936—1 p.m.
[Received June 6—11:30 a.m.]

299. My 292, June 2, 5 p.m. The French Ambassador returned to London the middle of this week and after conversations with Eden returned to Paris yesterday. The Foreign Secretary discussed with him questions of procedure for the League Assembly meeting at the end of this month and added that the Argentine Ambassador had informed him that his Government had formally requested this convocation of the Assembly since it was essential that the Latin-American countries members of the League should have their legal obligations to the League, and especially the matter of sanctions, clearly defined before the forthcoming Buenos Aires Conference.

I am informed the Foreign Secretary gave no indication to the French Ambassador that there was as yet unanimity of opinion in the Cabinet on the Anglo-Italian issues but explained that in the present situation it was difficult to maintain a position on purely moral grounds, and likewise equally difficult before large sections of British public opinion to appear to compromise on principles. Accordingly at League discussions on sanctions England would presumably have no proposals to initiate, but if other nations moved for the abolition of sanctions and such a policy was endorsed by the French Government, England's attitude would not be obstructive. My French colleague pointed out to me that this statement of Eden was of the utmost importance to Blum who has been anticipating a lead from the British Government, which he would be prepared to follow. Accordingly the French Ambassador was now in Paris consulting the new Minister for Foreign Affairs.

On Wednesday Eden had a further interview with the Italian Ambassador (see my 280 [288] of May 29, 1 p. m.) and the latter was full of pleasant things to say regarding his Government's foreign policy and Mussolini's desire to reconstruct the Stresa front. I understand the Foreign Secretary ascertained that the Italian Ambassador already had some knowledge of the British Government's present outlook in regard to sanctions as outlined above. Eden then went on to remind the Italian Ambassador of the difficulties of the situation in dealings with Italy until that country had made some gesture or overture towards meeting the position of the League of Nations in the matter.

With the above indications of the trend of British policy in Italian League matters the formal announcement today of Sir Samuel Hoare's appointment as First Lord of the Admiralty follows naturally (see my 269 of May 19, 8 p. m.⁶⁵).

Yesterday Eden paid a short visit to the Ethiopian Emperor at the latter's temporary residence. I understand the conversation was very general except that Eden cautioned the Emperor as to preserving his incognito while he remained in England. Today the Ethiopian Minister is giving a reception to meet "The Emperor of Ethiopia". It is understood that so far only the Chiefs of Mission of certain eastern countries have accepted, China, Turkey, Persia, and Afghanistan. The invitation addressed to the American Ambassador was returned with a note explaining the Ambassador's absence in America and since no subsequent invitation has been issued to me as Chargé d'Affaires I shall not attend.

By post to Paris, Geneva and Rome.

ATHERTON

765.84/4601 : Telegram (part air)

The Consul at Geneva (Gilbert) to the Secretary of State

GENEVA, June 6, 1936—3 p.m.

[Received June 8—5:34 a.m.]

218. Consulate's 214, June 4, 5 p. m.⁶⁶ As I do not know the possible bearing on inter-American policy of the Argentines in convoking the Assembly I have considered it prudent while holding myself receptive to refrain from pursuing inquiries of the Argentines and in general among Latin American delegations here. The Argentine representative however "declared" to me that Argentine's pertinent policy is to obtain here the strongest possible indorsement of the "principle of nonrecognition." He added that while his instructions respecting the position he should take on sanctions were not final Argentine policy in general should the question arise was to abstain on a vote to maintain or to increase sanctions and to vote for the lifting of sanctions should there be any substantial movement in that direction.

Should the Department desire that I endeavor discreetly to obtain information on any specific points please instruct.

GILBERT

⁶⁵ Vol. I, p. 304.

⁶⁶ Not printed.

765.84/4620 : Telegram

*The Chargé in the United Kingdom (Atherton) to the Secretary of State*LONDON, June 9, 1936—5 p.m.
[Received June 9—1:45 p.m.]

302. Confidential[ly] in outlining today the trend of their present deliberations the Foreign Office referred to the practical[ity of] merging the Council meeting into the greater meeting of the Assembly at the end of this month and gave me to understand that England would favor the abolition of sanctions under the cover of this meeting of many nations. The difficulty in the interim lay in meeting the viewpoints being expressed by the small powers especially Greece and Turkey. The abolition of sanctions, the Foreign Office emphasized, was a separate question which did not concern the recognition of Abyssinia in which Italian League situation Italy must take the initiative in making some gesture toward meeting the position of the League. If sanctions are abolished and the way clear to the reestablishment of Italy in the League the Foreign Office thought that the Straits Conference would then assume its "justly limited importance." Foreign Office seemed unenthusiastic about League reorganization fearing such an attempt would merely end in the destruction of the existing Covenant.

The French Ambassador returned from Paris last night and I understand does not feel the new Government has had any time to study its theories in the light of the existing situation. Observers following events are fearful lest with the French and British both far from anxious to take any lead at Geneva a situation of drift may ensue.

ATHERTON

765.84/4625 : Telegram

*The Consul at Geneva (Gilbert) to the Secretary of State*GENEVA, June 10, 1936—noon.
[Received June 11—7:08 a.m.]

223. Consulate's 218, June 6, 3 p.m. The Argentine representative called on me unexpectedly today and said that he wished to give me confidentially an exposé of his Government's policy in requesting a convocation of the Assembly. The essence of what he had to say is as follows.

1. Argentina is seeking the widest possible support for the nonrecognition principle embodied in the Saavedra Lamas Pact.⁶⁷ For this Council action, even if obtainable, would not have fully answered the purpose. The broader representation in the Assembly was manifestly preferable. In a sense Argentina feels its policy already achieved through a meeting of the Assembly being assured inasmuch as it makes little difference to her whether an indorsement of the principle is obtained through the medium of a resolution or through speeches. They feel a certainty that any form of expression must perforce be favorable.

The publicity following the leak respecting the diplomatic soundings they had made which I discussed in my 202, May 30, 6 p.m., forced a crystallization of the issue favorable to Argentina. For example, Chile was at about that time considering a convocation of the Assembly by joint action of a number of Latin-American states the agenda to include, in association with the Italo-Ethiopian question, that of revision of the Covenant. Argentina, however, desired to capture and hold the sole initiative respecting the acceptance of the nonrecognition policy antecedent to the Buenos Aires Conference. A certain degree of friction with Chile has developed over this. The Chilean delegation has made public here the Santiago memorandum of May 18.⁶⁸

He told me that although certain of their diplomatic representatives had been instructed to make soundings they were told to do so under the guise of casually voicing their personal speculations and that no states either American or European had been associated in the project. He circumstantially described the surprise of the Quai d'Orsay and Eden's discomfiture and extreme irritation when it was disclosed to him.

He fully recognizes the political effects of the prevalent belief that London and Buenos Aires were partners in the project adding that this belief cannot now be disabused because London has become favorable to an Assembly meeting. The reason for London's favorable attitude he described as based on internal and external political considerations almost precisely as I described them in my No. 214, June 4, 5 p.m.,⁶⁹ fifth paragraph, stating that advices to this effect had been sent him by the Argentine Embassy at London and also received from Cantilo⁷⁰ who was recently in Geneva and who apparently is directing in Europe the execution of Argentine policy in these respects.

In regard to sanctions Buenos Aires has now determined its policy.

⁶⁷ See footnote 57, p. 146.

⁶⁸ This memorandum presented Chilean proposals for the agenda of the Inter-American Peace Conference. For text, see Chile, *Memoria del Ministerio de Relaciones Exteriores y Comercio, correspondiente al año 1936*, p. 168.

⁶⁹ Not printed.

⁷⁰ José María Cantilo, Argentine Ambassador in Italy.

Although regretting the necessity of associating the principle of non-recognition with that of sanctions and also frankly hopeful that sanctions may be dropped, they are nevertheless "caught" by what they state to be the concurrence of these principles (articles 2 and 1) in the Saavedra Lamas Pact. Thus Argentina must perforce vote for the maintenance of sanctions should the question come to a vote. Their tactics are however to prevent it coming to a vote.

He referred to article 3 of the treaty as the "sanctions article". This position he has taken in his discussions with Latin-American representatives here and has furnished them with copies of a publication issued by the Argentine Embassy at Washington dated September, 1932, containing a commentary⁷¹ on the draft of treaty in which reference to article 3 will be noted. Without venturing to appraise this interpretation I can definitely state that Argentina is advancing it here.

He has been working for support of the Argentine initiative among Latin-American representatives and informs me that their present attitudes are as follows. Bolivia will collaborate fully with Argentina including the policy respecting sanctions. Mexico, Peru and Uruguay will generally follow Argentina's initiative. Chile had agreed to support the convoking of an Assembly and presumably must indorse the nonrecognition policy. Colombia, Cuba and Venezuela will support Argentina in principle. He added that in view of Brazil's declaration of nonrecognition respecting Abyssinia he feels that he has Brazil's moral support here among the Latin-Americans. I cannot overemphasize that running through our entire conversation the American aspects of the policy were solely evident, the European aspects being completely brushed aside and apparently having no play in the policy involved.

2. He stated to me that presumably Espil⁷² had discussed these matters with the Department but at the same time he particularly requested that both the circumstance and the substance of his disclosures to me be kept strictly confidential. I would thus appreciate the Department's fully protecting my source.

3. I find the reaction in Geneva to the Argentine initiative to be substantially as follows:

(a) A certain number of representatives applaud the move on principle as one of democratization vis-à-vis the domination of the League by the great powers and as supplying an opportunity for a general reaffirmation on a broad common front against an aggressor.

(b) It is almost universally held that all states whether consonant with their individual political policies or not inescapably must support or at least not oppose the principle of nonrecognition.

⁷¹ See *Foreign Relations*, 1932, vol. v, p. 261, footnote 7, for reference to this commentary.

⁷² Felipe A. Espil, Argentine Ambassador in the United States.

(c) At the same time the principle of nonrecognition is felt to be dangerously doctrinaire in that unless of value as preventing or resisting an aggression it only serves to complicate and obstruct a settlement.

(d) There is a strong undercurrent of resentment at the impropriety of a non-European state intervening in a European question especially at a critical juncture. Many Latin-Americans share this feeling also declaring Argentina's action to be inconsistent with the Latin-American attitude respecting European intervention in American affairs. It is further felt that the move may have repercussions in general European American political relations.

GILBERT

740.0011 Mutual Guarantee (Mediterranean)/52: Telegram (part air)

The Consul at Geneva (Gilbert) to the Secretary of State

GENEVA, June 12, 1936—6 p.m.

[Received June 15—8:50 a.m.]

230. Consulate's 197, May 28, 2 p.m. Balkan representatives here who continue to evidence extreme anxiety for the consummation of a Mediterranean pact reflect with pessimism the situation described in the final sentence of Rome's 177, June 4, [May 23] 11 a. m.⁷³ They state that London appears to be disappointingly reluctant to take the initiative which they attribute to a desire to employ sanctions as a bargaining point. Rome is reassuring them that with or without a pact Italy has no aggressive designs on them. Rome at the same time intimates that not only will she not negotiate in any way under pressure of sanctions but will even avoid the aspect of so doing and is in no hurry whatsoever to proceed in the matter. The Balkan Ministers interpret the attitudes of the two governments as productive of long delays and are fearful that some development may intervene to prevent the pact's achievement. They credit Mussolini's assurances of having no aggressive intentions particularly because they believe that they are borne out by the limitations of Italy's immediate material situation. From a long range view, however, they ardently desire a definitive Mediterranean settlement guaranteed by Great Britain and France.

GILBERT

765.84/4678: Telegram

The Chargé in the United Kingdom (Atherton) to the Secretary of State

LONDON, June 18, 1936—6 p.m.

[Received June 18—2:24 p.m.]

315. Following is a brief résumé of Eden's speech⁷⁴ just completed of which I understand the American press is cabling fully: his five

⁷³ Not printed.

⁷⁴ See House of Commons, *Parliamentary Debates*, vol. 313, 5th Series, p. 1204.

points were: (1) a continuation of sanctions no longer would serve the purpose for which they were intended; (2) pending the aftermath of the abolition of sanctions England would maintain those assurances to Mediterranean powers which she gave last December;⁷⁵ (3) England was already studying those measures for consideration of the League Assembly in September which in the light of past experience would implement the purposes for which the League was founded; (4) Eden reviewed the German situation and made an urgent appeal for Germany to constructively reply at an early date to the British questionnaire of May 6th;⁷⁶ (5) in effect he warned the members not to be blind to the menace of Germany by the emphasis they put on the immediate Italian situation (see my 300, June 8, 1 p.m.⁷⁷).

The House, which was in a highly skeptical mood at the beginning of his speech, eventually settled down and apart from the extreme labor elements seemed disposed to consider seriously the arguments advanced.

I understand from an official of the Labor Party that the Prime Minister approached the labor leaders in an attempt to achieve a united policy respecting the abolition of sanctions. This came to nothing because of labor's conditions that such abolition must be accompanied by Great Britain's advocacy of the expulsion of Italy from the League, with an undertaking by the states members to refrain from giving credit facilities to Italy. A similar attempt has been made over a period of time to create a common front on rearmament but the Labor Party has been unwilling to agree unless the Government came out publicly for a policy indicating that some rearmament was in effect against Germany and that in cooperation with the French and Soviets, it would regard any violation of the territory of the states surrounding Germany as a *casus belli*.

Incidentally, when the Naval Attaché paid his courtesy visit upon the new First Lord of the Admiralty today Sir Samuel Hoare stated that he might tell his people "not to get it into their heads that we have any intention of weakening our position in the Mediterranean for that is not correct; in fact we intend to strengthen our position there".

ATHERTON

⁷⁵ See footnote 49, p. 141.

⁷⁶ See British Cmd. 5175, Miscellaneous No. 6 (1936): *Correspondence with German Government regarding the German Proposals for an European Settlement March 24-May 6, 1936*, p. 12.

⁷⁷ Not printed.

765.84/4687 : Telegram

The Chargé in Italy (Kirk) to the Secretary of State

ROME, June 19, 1936—8 p.m.
 [Received June 19—5:50 p.m.]

220. The first reaction among Foreign Office officials to Eden's speech⁷⁸ is one of gratification in so far as the references to sanctions are concerned, although a certain sense of disappointment is noted in that no reference was made therein to the eventual renewal of cooperation by Italy in the problems confronting Europe. They also are apparently disturbed by Eden's reaffirmation of the naval accords among the Mediterranean countries. This reference, however, I understand from British circles, was intended to reassure the smaller Mediterranean countries who are in fear of future aggression on the part of Italy and may be explained on that basis.

The possible developments in the Geneva meetings at the end of the month are still a source of anxiety to the Italians. From British sources I understand that efforts have been made by England in informal negotiation between representatives of the British and Argentine Governments to dissuade Argentina from insisting at the Assembly on a declaration of nonrecognition of Italian sovereignty over Ethiopia and to agree to a compromise on the basis of the reaffirmation for the future of the doctrine of nonrecognition of territory acquired by force and of the appointment of a commission to study and report on the conditions in Ethiopia with special reference to eventual recognition of Italian sovereignty. This commission would not hand down its report for approximately 6 months.

It is apparently accepted as settled that the Italian Government will submit a statement to the League and that it will include assurances as to the recruiting of a black army in East Africa, the protection of the native population, and the safeguarding of foreign interests there. It is also said that the Italian Government may agree to report to the League on the foregoing matters from time to time.

Repeated to Geneva.

KIRK

765.84/4718 : Telegram (part air)

The Consul at Geneva (Gilbert) to the Secretary of State

GENEVA, June 24, 1936—4 p.m.
 [Received June 25—7:10 p.m.]

246. 1. The chief points in the situation here respecting the June 30 Assembly appear to be as follows:

⁷⁸ See *supra*.

Argentina plans to be represented by its Ambassadors at Rome and at London and by Guñazú.⁷⁹ The latter informs me in confidence that his Government's position now is that the question of "old sanctions" which covers all action taken by the League, leading to and including the application of article 16, is something entirely separate from that of "new sanctions" under article 10. He declared that Argentina's attitude respecting the former is one of "indifference," but, respecting the latter, that her policy of nonrecognition is "insistent and irrevocable." He disclosed to me, however, that Argentina is prepared to be satisfied by support in some form of the policy of nonrecognition and to leave to a later date the possible application of it to Abyssinia. He frankly admitted to me that the theory of a difference between old sanctions and new sanctions was a device to justify the quashing of the old sanctions.

2. It is obvious that a reconciliation of the probable course of events with the provisions and the evident intent of the Covenant will be a difficult if not an impossible undertaking. The present effort from the strictly League viewpoint is to arrive at prearranged formulae as palatable as possible to League and world opinion and such as could receive "acceptance" in at least some form by the League.

To what extent the procedures and formulae which are taking shape here are advanced or have received any general acceptance by the powers including Italy, I am unable to determine. By the same token it is difficult to forecast what may transpire.

The Argentine position described above has all the characteristics of a "negotiated" arrangement and the composition of the Argentine delegation is suggestive in scope. Although the "atmosphere" of negotiation certainly exists among the League great powers nothing positive respecting them yet emerges in Geneva. The crux of the problem seems to lie in the interpretation of the British position, that is whether it fits into negotiated arrangements or whether Eden's speech occurring prior to the Assembly means that Great Britain desires to achieve the tactical advantage of being the first to disassociate itself from commitments and thus be free to maneuver for the middle position, the traditional keystone of British policy. The best opinion here leans to the latter view. In general, I feel that while the action here will denote a common will for an appeasement, any appraisal of it as indicative of a specific plan of European settlement should be regarded with reserve.

3. The best indications here point, however, to the following course of events in the Council Assembly meeting.

⁷⁹ José María Cantilo, Manuel E. Malbrán, Enrique Rufz-Guñazú, respectively.

(a) Sanctions—Open discussion will be as far as possible avoided. A committee meeting in private will formulate a statement of the “existing facts” leaving action to the individual state.

While it is not considered probable, except as a tactical move, that any state will oppose the lifting of sanctions there exists here among small state delegations an extreme resentment at, as they described it, having been used by the powers particularly by Great Britain under the guise of League action as a tool in great power politics and a declared resistiveness to any tendency of London to divert responsibility for the present situation to Geneva. A voicing of these sentiments might render difficult the accomplishment of a planned program; but in recent experience similar attitudes of the small powers have not reached formal utterance.

(b) Nonrecognition—An attempt will be made to confine this question to speeches or statements of principle and to avoid anything in the nature of a decision by disposing of it through reference for study to a committee of jurists.

The Russians have privately advanced the thesis that the cases of Manchukuo and Abyssinia are not parallel inasmuch as in the former, China was a recognized government, whereas in the latter, the government has disappeared.

(c) League Reform—My personal view is that a preliminary discussion of this question may be merged into the liquidation of the present situation in order to smother the disrupting effects of such liquidation in an appeal for unified support of a new endeavor. Even if it be not so planned, the issue may be launched by some small state delegation, possibly by Chile, which in Latin American circles is believed to be anxious to assume a role here in emulation of Argentina.

4. A situation without precedent prevails in what it is beginning to be regarded here as a European-American issue, the European endeavor being in general terms to employ the Assembly to liquidate the Italian-European situation and the alleged American endeavor being to employ the Assembly chiefly as a springboard for positions at the Buenos Aires Conference.

GILBERT

765.84/4719 : Telegram

The Consul at Geneva (Gilbert) to the Secretary of State

GENEVA, June 24, 1936—5 p.m.
[Received June 25—6:50 p.m.]

247. Colson⁸⁰ called on me this morning and in our conversation the following was brought out:

1. The Emperor is proceeding to Geneva. He will not, however,

⁸⁰ Everett A. Colson, an American citizen, financial adviser to the Ethiopian Government.

take part in the procedures, Ethiopia being represented by the Secretary of Legation at London assisted by Jèze.⁸¹ Their statements will be along the lines previously taken. Ethiopia is taking this action inasmuch as it is the only course left open, and while entirely pessimistic as to the outcome, they feel that in a complicated political situation something unforeseen may develop in their favor. They have no specific knowledge that any delegation will support them, but envisage that possibility.

They estimate that the Italians have effectively occupied something over half of Abyssinia. The Emperor has dispatched Prince Makonen to Abyssinia to continue resistance which he believes can be effective, or at least harassing, until the end of the rainy season inasmuch as the chief weapons of the Italians, aeroplanes and mustard gas, cannot be employed during the rains. The despatch of Makonen is also a tactical move in connection with the presentation of their case in Geneva. He is, however, proceeding via the Sudan and as the British have interdicted the passage of arms to Abyssinia through the Sudan it is possible the British will not let him through.

2. Colson believes, however, as do I, that this will mark the last official appearance of the Ethiopians in Geneva and that by the time of the September assembly the League will not recognize Ethiopia as a member state.

GILBERT

765.84/4720 : Telegram (part air)

The Consul at Geneva (Gilbert) to the Secretary of State

GENEVA, June 24, 1936—7 p.m.
[Received June 26—7:15 a.m.]

249. 1. In a conversation with the Argentine representative today, with a frankness which surprised me he expressed himself in the following sense respecting the Argentine policy of nonrecognition. He then said that he had reason to believe that a conflict existed between Washington and Buenos Aires over this matter, the United States while recognizing the desirability of its application in specific cases was opposed to the principle of its universal applicability. I remarked with entire truth that I did not know of my Government's position on this question. He then went on to say that despite the United States tacit opposition Argentina feels confident, particularly in view of Washington's being still tied to the Stimson doctrine,⁸²

⁸¹ Gaston Jèze, professor of law at the University of Paris, legal counsel for the Ethiopian delegation at the League of Nations.

⁸² See telegram No. 7, January 7, 1932, noon, to the Ambassador in Japan, *Foreign Relations*, Japan, 1931-1941, vol. I, p. 76.

of carrying through her nonrecognition policy both in Geneva and at the inter-American Conference.

2. I learn that Cantilo while discussing Argentine policy with the Italians and in emphasizing that it was not aimed against Italy expressed something of the foregoing, asserting that Argentina and the United States are rivals respecting the inter-American Conference and that Argentina does not desire any diminution of European influence in Latin America which she feels is desirable as a counterpoise to that of the United States.

GILBERT

765.84/4721 : Telegram

The Consul at Geneva (Gilbert) to the Secretary of State

GENEVA, June 25, 1936—8 p.m.
[Received June 26—7: 35 a.m.]

250. Consulate's 249, June 24, 7 p.m.

1. The instructions thus far received by Latin American representatives here respecting the position they will take on the chief issues in the forthcoming Council-Assembly meetings are in substance as follows:

Uruguay: To act in complete concert with Argentina. The Uruguayan Minister in London has recently visited Geneva to facilitate this end.

Bolivia: Same as Uruguay.

Colombia: Generally to favor the initiative of Argentina re nonrecognition.

Panama: Same as Colombia.

Peru: To support the removal of sanctions; to support nonrecognition in principle but that action should be left to individual states.

Chile: To bring forward in the Council a general project for League reform; no instructions thus far respecting other issues.

GILBERT

765.84/4738 : Telegram (part air)

The Consul at Geneva (Gilbert) to the Secretary of State

GENEVA, June 26, 1936—4 p.m.
[Received June 28—6: 14 a.m.]

253. Consulate's 158, May 11, 5 p.m.⁸³

1. The representatives of the "neutral" states held a meeting here last evening. I am informed confidentially by participants that the following transpired concerning the chief points at issue.

Sanctions—Unanimity of view that sanctions must be discarded;

⁸³ Not printed.

recognition in fact that since the British action⁸⁴ there is no other course to follow. A consensus of opinion that the lifting of sanctions must be simultaneous and that an agreement to that effect should somehow be obtained; this is felt to be just and necessary to prevent states obtaining advantages from Italy in return for early individual action. Considerable resentment was displayed over the circumstance that London which had by private representations urged them to impose sanctions had accorded them no prior information concerning its recent action; coupled with this was a belief that Great Britain may have acquired some concession from Italy on the strength of that separate action.

As a corollary to the foregoing the question of Italian "counter sanctions" was discussed. The idea was advanced of obtaining some undertakings from Italy that she would not practice discrimination against or between sanctionist states once the measures are abolished. Ciano's statement that a return to pre-sanction channels of trade would be a delayed process was disturbing and lent color to the suspicion that "powers" had already obtained special concessions. Consideration of what might be done by the small powers to protect their interests in these respects was left open, but it was generally felt that nothing tangible could be accomplished.

Nonrecognition—Although certain representatives demurred on principle, it was generally felt that nothing could be gained and only irritation would result by raising the question of nonrecognition respecting Abyssinia. In particular, there was a complete lack of knowledge of what Argentina would propose and it was thus felt that decisions as to their positions must await Argentine action and Assembly developments immediately subsequent thereto.

League Reform—It was generally agreed that it was too early to consider specific projects. It was felt, nevertheless, desirable that the question should "seriously" be placed before the governments during the current meetings in order that it might definitely be considered in September.

2. In another meeting this morning the general opinion was opposed to juridical reform of the Covenant but favorable to facilitating action under the Covenant by new procedural or mechanical arrangements.

3. Indications here are that the British policy respecting sanctions will be supported by all the dominions except South Africa. The South African representative who told a member of my staff that his Government was extremely displeased with the British position went

⁸⁴ Announcement by Anthony Eden, June 18, 1936, that the British would not support continuance of sanctions. See telegram No. 315, June 18, 1936, 6 p.m. from the Chargé in the United Kingdom, p. 158.

so far as to say that South Africa would stand for the maintenance of sanctions even if it were the only state to do so and even if that involved a public split with London.

GILBERT

765.84/4723 : Telegram

The Consul at Geneva (Gilbert) to the Secretary of State

GENEVA, June 26, 1936—6 p.m.

[Received June 26—2:15 p.m.]

255. The Cuban Minister has just called on me and shown me a telegram from his Government stating that the Argentine Minister at Habana had solicited Cuban support in the Assembly and instructing him to accord such support. The telegram added that Cuba favored the policy of nonrecognition and the discarding of sanctions.

He is telegraphing his Government urging that they instruct him rather to adopt the Peruvian policy described in my telegram 250, June 24 [25], 8 p. m.

GILBERT

765.84/4737 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, June 27, 1936—6 p.m.

[Received July 2—9 p.m.⁸⁵]

443. The following observations are based on recent conversations with diplomatic colleagues.

The British Minister ⁸⁶ came to see me several times before his departure and said he was thoroughly discouraged by the turn affairs had taken. Mussolini had not only scored a great victory over Ethiopia, but an even greater one over Geneva and London. Great Britain [apparent omission] with a good deal of patience and generosity been carrying the chief burden of responsibility throughout the recent unprecedented crisis and had failed dismally. When I asked to what causes he attributed this failure he [apparent omission] France was probably chiefly to blame because she proved the staunchest friend Italy had in the sanctionist camp. Her whole aim was to gain time and she therefore seized on every chance of delay to prevent the imposing of an oil embargo or the further extension of any other sanctions. But he also blamed Downing Street for sharing with France the fiasco of the

⁸⁵ Telegram in seven sections.

⁸⁶ Sir Sidney Barton.

December peace proposals⁸⁷ which shattered British moral authority and prestige, not only in Europe, but apparently also in the United States. Although Eden's appointment was intended to restore confidence he had not done much better than Hoare, the contradictions in British foreign policy continued and England ceased to offer a definite lead.

Sir Sidney was very anxious about the future. The guiding rules of British foreign policy had for 16 years been founded on loyalty to the ideals of the League and the Paris Pact and this winter had made great efforts to vindicate the system of collective security. This policy had received the fullest indorsement of public opinion both in England and in the Dominions. But what was the use of standing by the League when the other principal powers had either deserted it or were not prepared to fight for it? The risks were too great and might prove fatal to the Empire.

I then asked what he thought Great Britain's policy would be, and he replied that he doubted whether it had yet taken shape. British public opinion would undoubtedly like to see the Foreign Office take a firm line vis-à-vis Mussolini and to preserve and strengthen if possible a system of collective security. The Empire is quite united in support of the rule of law as opposed to force and probably feels that merely because article 16 of the Covenant did not work the whole League need not be scrapped.

To a further question Sir Sidney replied that in conservative circles there was a surplus of desire to limit Great Britain's commitments abroad to a minimum, for example the defense of France and Belgium, for at heart the average Englishman hates and dreads European entanglements almost as much as the American. But England's proximity to the Continent made it impossible for her to keep entirely aloof and the only substitute for the League of Nations were regional agreements for mutual protection. Whether Great Britain would like France orientate her policy further away from the League and rely more upon a system of alliances, would, of course depend on what happened to the League.

I gathered from the British Minister's remarks that he and his Government felt humiliated by the complete defeat of British demand in the Italo-Ethiopian conflict. The international situation has been immensely aggravated by Mussolini's triumphant treaty-breaking and has changed its diplomatic and strategic aspects to Great Britain's disadvantage. British opinion is perplexed by the host of irksome problems arising out of this new situation. Italy's occupation of the

⁸⁷ Hoare-Laval proposals; see *Foreign Relations*, 1935, vol. 1, pp. 699 ff.

Lake Tsana region does not seem to worry them much but they are genuinely alarmed at the threat to their Mediterranean interests. They have been watching with growing uneasiness Italy's naval and air preparations which they believe are intended to menace British communications with India and East Africa, her oil supplies from the Middle East, and her naval supremacy in general. Mussolini's insensate and bombastic desire to demonstrate the present day superiority of Italian arms may lead Italy farther and farther afield and finally tempt her to look for expansion at the expense of the British Empire.

In order to be prepared for a veritable struggle for the mastery of the Mediterranean, the British Government is obliged to revise its entire policy toward the maintenance of peace in Europe—either by reorganizing the League so as to make it more formidable or by virtually ceasing to count upon its effective functioning. In either event the British now realize that they must be strong enough to defend peace and to enforce international obligations. Hence the present British preparedness campaign which is to rearm the Empire to such an extent that irresponsible dictators will be obliged to pause before they yield to the temptation of upsetting the existing world order.

The French Minister, Monsieur Bodard, has been placed in a peculiar position by the results of the Socialist victory in France. The French Legation, though not so much the Minister personally, had been notoriously pro-Italian throughout the conflict and seemed pleased with the failure of sanctions and the collapse of Ethiopian military resistance. Italy's aggression was always glossed over and the necessity emphasized of localizing the African war and preventing its spreading to Europe and perhaps becoming another world threat. But since the French elections and the Italian annexation a complete *volte face* has been noticeable, all members of the Legation professing with amusing unanimity to be very suspicious of Italian aims and expressing great anxiety regarding the future of Djibouti and the French railway.

In discussing the European situation with the Minister the other day I inquired whether the Blum Government would be inclined to maintain sanctions against Italy. Bodard replied he doubted it very much because the Covenant did not seem to provide for punitive sanctions when the state of war for which they were imposed had come to an end. At least he thought it would require a fresh decision by the Council of the League. The French Left Wing—like the British Labor Party or the Soviets—hates Fascism more than it loves Ethiopia and is too conversant with the realities to embark upon any quixotic adventures for the purpose of saving either the League or Italy's victim. And as between Mussolini and Hitler the French

people were far more afraid of the latter's next move. Defense against Germany would always be their paramount consideration and that is why they would necessarily put loyalty to the League after concern for Stresa.

However, France was sincerely desirous of seeing the collective security system survive and men like Herriot, Pietri, Manus and Bastid had always advocated close cooperation with them and the League. If only they had made it clear at Stresa in the spring of 1935 when Italy was already pouring troops into East Africa, that if war resulted she would insist on the application of sanctions, Mussolini would not have dared to ignore the warning. Another mistake the British made was their hesitation and lack of precision in giving assurances to France regarding cooperation if Germany, whose military power was rapidly being restored should, for example, attack Austria or Poland. Considering that the League had done nothing when Italy bombarded Corfu in 1923 and when Japan seized Manchuria in 1931, British promises in the event of unprovoked aggression in Central Europe did not carry as much weight as they should. On the contrary France gave the impression that England was constantly condoning German breaches of the military clauses of the Versailles Treaty and was evidently reconciling herself to Hitler's diplomatic shock tactics.

If the British Government has decided not to intervene when Versailles engagements are overturned by force it can hardly be surprised if France hesitates to shoulder responsibilities which are not of immediate concern to her. There seemed to be a certain amount of elastic opportunism in British policy (as seen for example in the naval accord with Germany) which is not easily understood in France. Nevertheless France was today more than ever ready to collaborate with Great Britain in a spirit of compromise and realism and to try and achieve some concrete results. By the imminent collapse of the sanctionist front and with it the collapse of the collective security system both France and England had lost much moral standing especially among the small nations but perhaps by remoulding the League it might still be possible to salvage something of the collective ideal.

My German colleague Dr. Strohm is, unlike his predecessor, (see my 125, March 1 [3])⁸⁸ a confirmed cynic—presumably because he spent most of his career in his own Foreign Office. In recent chats with me he did not conceal his satisfaction at the outcome of the Abyssinian war not because of the defeat of Ethiopia, towards whom the Germans were friendly disposed, but because of Italy's victory over the League of Nations and all of the sham it stood for. And if Mussolini gained a great deal more kudos than he expected, the League

⁸⁸ Not printed.

powers have only their sanctions to thank for it. He had called their bluff of collective action and had won. As far as Germany was concerned the old Versailles League with all its vindictiveness was now bankrupt and dead and it was doubtful whether even France would succeed in reviving it for the sole purpose of creating an anti-German front. Germany had always distrusted the aims of collective security and sanctions and feared until the last that England might succeed in inducing France to join in military sanctions against Italy in return for similar support against Germany. The League's failure to curb Italy proved the futility of high sounding phrases [apparent omission] even illegalize treaties if they run counter to national ambitions and interests.

I asked whether there was a possibility of a genuine *rapprochement* between Great Britain and Germany. He replied very emphatically that there was, in the first place because the Germans really admired the British Government very much and had always regretted that the Kaiser did not take British overtures more seriously, and in the second place because England could usually be depended on to act with a kind of enlightened self-interest. Now that Eden had come down from the clouds of moral indignation it would be much easier to talk business with him. British opinion was really not unfriendly toward the German people and the British Government had shown itself responsive to the aspirations of the "have nots" by trying to remove fundamental causes of aggression. Although Great Britain had been the principal champion of the League few British conservatives believed in it or had a good word to say for it. Like Germany the British nation was beginning to realize that there was no greater humiliation than that of impotence and like Germany they now want to rearm as quickly as possible in order to be prepared for the collapse of the League. Of course, Hitler was not blind to the fact that British rearmament might under given circumstances be aimed fully as much at Germany as at Italy but the fact remained that Germany was in sympathy with the present British policy of bigger armaments as a positive contribution towards the maintenance of world peace.

In reply to my query whether Germany now expected to get her colonies back, he said that the question of colonies was much exaggerated both in Germany and abroad. There was a regular press campaign going on in Germany for the recovery of colonies but it was important chiefly as an indication that the German people were determined to insist on being in no way inferior to other great powers. In other words, they were far more interested in the legal right to possess colonies or administer mandates if and when they wanted them than in forcing the issue at the present time. Their self-respect will not let them admit that they are less fit for colonial administration

than other nations. In that respect Germany was in entire agreement with Italy and would—at least in the abstract—support the justice of the latter's claims to colonies and expansion.

Otherwise there was really not much popular sympathy for Italy. Mussolini's diplomatic game was not quite clear but Germany suspects that he has been using Hitler to bring political pressure to bear on France and that the moment sanctions are lifted he will resume his flirtations with France and perhaps even join a combination against Germany. In any event Berlin expected no thanks for accidentally helping Italy last March by moving into the Rhineland. The next step would be the fortification of the Rhineland and it remained to be seen whether France's system of military alliances and regional pacts would prove more successful than England's scheme for collective security.

ENGERT

765.84/4749 : Telegram

The Consul at Geneva (Gilbert) to the Secretary of State

GENEVA, June 29, 1936—noon.

[Received 12:40 p.m.]

263. A disorientation seems to have occurred in Latin-American policies in Geneva.

The Argentine program during the past month has been forced to undergo a series of modifications as a result of developments here. A number of Latin-American Ministers called on me yesterday, among them certain whose positions I described as supporting Argentina in my No. 250 June 24 [25], 8 p.m., and recounting their difficulties in establishing an understanding in their capitals of precise situations in Geneva state that it was now impossible to say whether they could accord their support or not inasmuch as what position Argentina itself would take now seemed to be most uncertain. Admitting that their advices might be somewhat inexact they said that they nevertheless understood that the Argentine Senate in a recent private meeting had demonstrated a desire that a strong pronouncement, if possible in the form of a resolution, be obtained in Geneva on the principle of nonrecognition and that as a consequence Saavedra Lamas who had let it be known through his delegation here that Buenos Aires would be "satisfied" by a less definitive support perhaps in the form of individual speeches was now confronted by the dilemma either of receiving a setback in his Government or being checked in Geneva. In any case they did not believe that "strong" action could be obtained here and that their present instructions did not suggest that they could support anything of that type.

The Chilean Minister told me that respecting his initiative for League reform, Chile had the support in varying degrees of Colombia, Ecuador, Peru and Venezuela. Stating candidly that both the Argentine and Chilean actions here might in some respects be regarded as an inopportune intervention in European affairs, the reason he gave for Chile's action was that a pronounced current of opinion existed in Chile for separation from the League and that in fact his Government might withdraw at any time. The Chilean delegation here had however "persuaded" Santiago to give the League "a last chance" to reform. It will be noted that the Chilean statement before the Council (Consulate's 259, June 26, midnight, paragraph 4⁸⁹) carried intimations in that sense. He added that somewhat similar to the Chilean [apparent omission] existed in the other states he had mentioned, notably he believed in Colombia. He understood that Mexico was in a like situation respecting the League but that the Mexican Minister here despite his repeated solicitations had been unable to obtain instructions from his Government on any points in the immediate Geneva issues.

GILBERT

765.84/4748 : Telegram

The Consul at Geneva (Gilbert) to the Secretary of State

GENEVA, June 29, 1936—1 p.m.
[Received June 29—12:40 p.m.]

264. In a private conversation with a member of the British delegation concerning the bases of British policy vis-à-vis the present Geneva issues, what he had to say tended strongly to substantiate the opinion described in the latter portion of paragraph 2, my telegram No. 246, June 24, 4 p.m., in other words that any current negotiations between London and Rome did not go beyond an effort to achieve an appeasement which was an end apparently equally desired by both, that such arrangements as may have been reached in this respect partake of the character of only a limited *modus vivendi*, and that any interpretation of immediate happenings in Geneva as having deeper significance in respect of the great power-European situation should be regarded with extreme reserve.

He stated that the chief present objective of British policy as far as he perceived it was to recapture their freedom of action which had been more or less accomplished by Eden's speech.⁹⁰ He emphasized that British policy remained as uncertain as heretofore and that in

⁸⁹ Not printed. For Chilean statement made to the 92d Session of the Council, June 26, 1936, see League of Nations, *Official Journal*, July 1936, p. 751.

⁹⁰ See telegram No. 315, June 18, 6 p.m., from the Chargé in the United Kingdom, p. 158.

fact the entire British Foreign Office was aware that the task of the Government following the meetings here would be if possible to arrive at some precisions respecting fundamental policy before September.

He further informed me that the British had reached what they regarded as a satisfactory working agreement with the new French Government which however did not thus far go beyond a general understanding not to take individual action without prior consultation. As characteristic of the general situation, the French and British have agreed to limit the impending Assembly discussions as much as possible and in particular to defer any decisions regarding League reform until September being especially anxious that the discussions here should avoid giving public opinion the impression that the reform was moving in any specific direction. He added that a potent element in the French-British *rapprochement* was an increasing anxiety in London respecting Germany. The French have generally confirmed the foregoing to me.

GILBERT

765.84/4750 : Telegram

The Chargé in Italy (Kirk) to the Secretary of State

ROME, June 30, 1936—noon.

[Received June 30—9:40 a.m.]

242. My 240, June 29, 4 p.m.⁹¹ I was shown this morning at the Foreign Office a copy of the communication⁹² which is to be presented to the President of the Assembly at Geneva and was informed that it is to be regarded as absolutely confidential until made public in Geneva. I was told that the Embassy would be furnished tomorrow with a copy of this document with annexes and in the meantime I submit the following brief summary of the memorandum for the Department's confidential information pending the release of the document:

After referring to the circumstances which preceded and determined Italian action in Abyssinia and outlining as indicative of the Italian attitude toward the League the various attempts to negotiate a settlement which culminated in an effort on the part of Italy, announced for the first time in this document, to establish at Athens and Djibouti confidential contacts with the Ethiopian Government 2 weeks before the flight of the Negus, the memorandum describes the situation immediately following the collapse of the Ethiopian Government which necessitated Italy to accept the responsibilities resulting therefrom.

⁹¹ Not printed.

⁹² Dated June 29, 1936, and read to the League of Nations Assembly on June 30; for text see League of Nations, *Official Journal*, Special Supplement No. 151. p. 19.

It then describes the general conditions in Ethiopia as well as the causes of the collapse of the former Government and following an account of the subsequent acts of cooperation with the Italian authorities of the religious and civil chiefs and of submission on the part of military chiefs tending towards resumption of normal life in the country, the memorandum states that Italy has pledged herself to establish peace in Ethiopia and promote the moral and material welfare of the country. The memorandum then declares that Italy regards its work in Ethiopia as a sacred mission of civilization and pledging itself to carry out that work in accordance with the principles of the Covenant of the League of Nations and of other international acts describing the duties of a nation so pledged. To that end Italy promises the equitable treatment of the native population with due rights of representation, the respect of religious worship, the free use of native languages, the suppression of slavery and forced labor, the use of taxes for local requirements and accepts the principle that natives should not be compelled to military service except for police purposes and the defense of the territory. Italy also guarantees freedom of transit and communication, the fair treatment of the trade of all countries and agrees to keep the League informed of the work in Ethiopia.

The memorandum then states that Italy is ready to cooperate with the League for a settlement of the problems on whose authority the future of Europe and the world depends and states that it was in that spirit that Italy joined the Treaty of Rio de Janeiro of October 10, 1933.⁶⁴ After declaring that Italy is convinced that the reform of the League is required and that the Italian Government makes no reservation as to the means that may be adopted to solve the problems relating to the future, the communication concludes with the statement that the Italian Government cannot but recall the abnormal situation in which Italy has been placed and the necessity for the immediate removal of such obstacles as have been and are in the way of the international cooperation which Italy seeks and to which she is prepared to give a tangible contribution.

KIRK

765.84/4752: Telegram

The Consul at Geneva (Gilbert) to the Secretary of State

GENEVA, June 30, 1936—2 p.m.
[Received June 30—11:40 a.m.]

267. Private diplomatic conversations during the last few days have aimed at a reconciliation of positions to the immediate extent

⁶⁴ See footnote 60, p. 149.

that the Assembly procedures may at least not expose sharp issues. These attempted adjustments have notably existed between the European great powers and Italy and Argentina.

A strong effort has been made by the British to prevent the Ethiopian Emperor from following out his announced intention of participating in the Assembly. I am informed privately that as apparently the only means of accomplishing this, serious consideration was even for a time given to declaring that the Ethiopian Government was non-existent, that in view of the publicity given to Emperor's projected participation, repercussions in public opinion were feared. The Italians have asserted that if the Emperor be allowed to participate it will be a signal for an indeterminate delay in their cooperation with the League and in European problems. The Ethiopian delegation, however, is standing firm on an "everything to gain and nothing to lose policy" generally described in my telegram 247, June 24, 5 p.m.

The British and French are tentatively suggesting in private a postponement of the September Assembly until November. Members of the delegations tell me that it is becoming increasingly irksome to Paris and particularly to London to be "put on the spot" under a set schedule to declare a policy when they have no policy to offer. The British added that November is not a mystic date but that it would at least be a deferment. Note in this connection my telegram No. 269 [264], June 29, 1 p.m.

GILBERT

765.84/4760 : Telegram

The Consul at Geneva (Gilbert) to the Secretary of State

GENEVA, June 30, 1936—3 p.m.
[Received June 30—2:40 p.m.]

268. Consulate's 263, June 29, noon.

1. Argentina has encountered increasing difficulties in prosecuting its initiative here due to a progressive sharpening of the following circumstances: (a) marked divergence of view between Buenos Aires and the delegation concerning the practicality of effort here, Malbrán⁹⁵ having refused to head delegation and Cantilo⁹⁶ doing so with reluctance; (b) resentment of European states at attempt to play Latin-American politics on the European stage particularly during a critical European juncture; (c) disapprobation of Latin American delegations based on the foregoing coupled with what they regard

⁹⁵ Manuel E. Malbrán, Argentine Ambassador in the United Kingdom.

⁹⁶ José María Cantilo, Argentine delegate to the League of Nations Assembly, June-July 1936.

as an inconsistency between this action and the general American attitude of resisting European intervention in American affairs; (d) desire of Latin-American delegations to present common front in Geneva, thus far resentment at Argentina's seeking to play leading role and hence a covert desire to see Argentina "taught a lesson".

To a less extent the Chilean initiatives concerning abolition of sanctions and Covenant revision have encountered similar reactions.

2. The Argentine delegation has been feverishly active during the last few days in exchanges by telephone with Buenos Aires and in endeavoring to obtain support here. These efforts have included earnest solicitation of support among Latin-Americans, virtual "negotiations" with the Italians respecting the text of Argentine pronouncement, a solicitation of support from European delegations accompanied by more than a tacit threat that if Argentina is not given satisfaction it will withdraw from the League.

In the last respect an American-European issue which I foreshadowed in previous telegrams has become more pronounced. A number of European delegations have asserted to me that if it came to a show-down between European harmony and Latin-American sentiment they preferred Latin-America out of the League.

3. The Argentine delegation informs me that its policy is to obtain a strong reaffirmation of what they describe as "American principles" respecting nonrecognition and territorial integrity which they state are jointly expressed in article 10 of the Covenant and in the Saavedra Lamas Pact, such a reaffirmation to be in the form of a non-binding resolution containing no expressed application to Abyssinia.

4. The foregoing is obviously a compromise position but I am given to understand that it represents the lowest terms that Buenos Aires will accept.

The Argentinians invited the Latin-American delegations in Geneva to a conference last evening to expose their point of view as described above at which were present the representatives of Bolivia, Chile, Colombia, Ecuador, Panama, Peru, Mexico and Venezuela.

The Argentine delegation informs me that this point of view was unanimously accepted by the Latin-Americans here. They are continuing this exposé with the Santo Dominican delegation which arrived this morning and with others as they may arrive.

5. The accounts of the meeting given me by certain Latin-American Ministers is however as follows. They somewhat sarcastically refer to the term "unanimity" as meaning that Argentina had to retreat toward their views. From the following description of positions taken as related to that of Argentina they are inclined to feel that it is not necessarily indicated that Argentina will be given unanimous support on all points. Bolivia is in complete accord. Mexico desires

to go much further and would like a strong pronouncement with full implications against Italy. Chile and Ecuador incline toward a "European position". Bolivia and Peru although favoring the nonrecognition principle also lean toward Europe on the ground that "interests of peace must be placed above principles". The instructions of the Panamanian and Cuban delegations are only to advocate the principle of nonrecognition. The Venezuelan delegate is without instructions. Thus much is seen to depend on exactly how Argentina poses the question before the Assembly, this being yet not entirely clear. While the foregoing presumably represents relatively true positions the form of the statements undoubtedly also reflects a great deal of irritation. I am thus inclined to believe that when it comes to the taking of positions in public that the matter of nonrecognition may progress fairly smoothly along some middle ground.

6. The Argentine Minister has informed me that he intends later to take a position advocating "on juridical grounds" the lifting of sanctions against Italy and that he understands that all Latin-American delegations here will advance a similar attitude except possibly the Colombian representative who states that his present instructions are to favor a maintenance of sanctions, and the Venezuelan representative who now expresses the intention to abstain.

GILBERT

765.84/4757 : Telegram

The Consul at Geneva (Gilbert) to the Secretary of State

GENEVA, June 30, 1936—10 p.m.
[Received June 30—9:15 p.m.]

271. The Assembly convened today with all members represented except the Dominican Republic, Guatemala, Honduras, Italy, Nicaragua, Paraguay and Salvador.

1. Van Zeeland was elected President.

2. The President read a statement from the Italian Government⁹⁷ which reviewed such negotiations as had taken place between Italy and the League respecting Ethiopia and, referring to the barbarous and disordered conditions of that country, emphasized the spontaneous welcome accorded Italian rule.

Certain assurances respecting the treatment of natives, the prohibition of slavery, the militarization of the native population and "fair treatment for the trade of all countries" were expressed, as well as a readiness to inform the League of the progress achieved.

In conclusion, the statement reiterated Italian willingness to cooperate with the League and recalled in this connection the spirit in

⁹⁷ See footnote 92, p. 173.

which Italy joined the Argentine anti-war pact. It was made clear, however, that such cooperation is dependent upon the termination of sanctions.

3. Cantilo declared⁹⁸ that the principle respecting nonrecognition to enunciate "belongs to all the American republics from North to South"; he cited the pertinent historical American formal, national, and international action up to the Washington declaration of 1932⁹⁹ and the Argentine nonaggression treaty; the League, if it is to retain its universal character, must reassert its support of these principles; if American ideas cannot be harmonized with the manner of applying the Covenant, the American republic would be obliged to reconsider the possibility of continuing its collaboration.

There was no reference to its application to the Abyssinian question and no suggestions as to the form of League endorsement desired.

4. The Emperor made a moving appeal citing the history of the case and warning the states of the danger of the precedent set for them in an abandonment of Ethiopia.

It was regarded here as an "unanswerable" arraignment of the League position. Full summaries are being carried by the press.

GILBERT

765.84/4764 : Telegram

The Consul at Geneva (Gilbert) to the Secretary of State

GENEVA, July 1, 1936—3 p.m.
[Received July 1—1:15 p.m.]

273. In the Assembly this morning:

Colombia recalling its prompt application of sanctions affirmed its support of (a) the doctrine of nonrecognition of territory or advantages obtained by force (b) the formation of a regional agreement for American nations operating within the framework of the League (c) the strengthening of the Covenant. No direct reference to the Argentine action.

Panama advocated drastic revision of the Covenant based on regional systems to be effected possibly by a conference of all League and non-League powers. In somewhat general language held that the League could not recognize the conquest of Ethiopia "without disowning its own fundamental principles" but that the American states should remain in Geneva as long as their presence did not appear in

⁹⁸ For full text of the Argentine declaration, see League of Nations, *Official Journal*, Special Supplement No. 151, p. 21.

⁹⁹ Declaration signed in Washington by 19 American Republics, August 3, 1932, *Foreign Relations*, 1932, vol. v, p. 159.

sharp conflict with "certain well-known American principles of international law." Did not specifically pronounce on the Argentine initiative.

Blum, in discussing terms, emphasized the necessity for collective security and disarmament and stated that France could not support any reform measures which might reduce the League to the role of "academic consultation." His statement about recognition appeared equivocal. Press carries full accounts.

GILBERT

765.84/4766: Telegram

The Consul at Geneva (Gilbert) to the Secretary of State

GENEVA, July 1, 1936—7 p.m.
[Received July 1—6:50 p.m.]

276. 1. In the Assembly this afternoon:

Eden: The continuation of sanctions can serve no useful purpose; at the same time "this Assembly should not in any way recognize Italy's conquest of Abyssinia" nor should there be any modification of the condemnation of Italy's action; his Government is prepared to stand by the reciprocal assurances of mutual assistance given to certain governments to cover the temporary period of uncertainty which might ensue should existing sanctions be discontinued; attributed present failure of League to the fact that nations are prepared to take certain risks only where their own interests are directly at stake; problem of reform should be dealt with by the September Assembly; not necessarily rule of law but methods of enforcement should be amended to correspond to action which nations are in fact willing to take.

Canada: Held that economic pressure has been ineffective and that sanctions should be terminated.

South Africa: In a blunt speech referred to the British and French statements in the October Assembly, accused the great powers of refusing to fulfill their obligations, asserted that the League could not survive as an instrument of world peace unless sanctions were maintained and questioned whether South Africa could continue to collaborate with the great powers in the maintenance of peace.

Litvinoff: Respecting Ethiopian question sanctions were ineffective; respecting reform of League opposed scrapping articles 10 and 16 and asserted that economic sanctions should remain obligatory for all League members; the United States did not hamper the application of article 16; recommended regional pacts of mutual assistance.

2. The following general attitudes, which obviously influence decisions, are coming into evidence here respecting the Argentine initiative and the policy of nonrecognition: (a) the implied threat of Ar-

gentina to leave the League unless its wishes be acceded to has made a notably bad impression among both European and Latin American delegations; it is not felt to represent true Argentine policy and is characterized as only a form of blackmail; (b) a number of delegates here, aside from their desire not to take a position which would militate against European appeasement, cite their experience with sanctions as a reason for their opposition to any binding action in respect of nonrecognition, being disinclined at present to join in a common undertaking which might be broken by states for their individual advantage.

GILBERT

765.84/4778 : Telegram

The Consul at Geneva (Gilbert) to the Secretary of State

GENEVA, July 3, 1936—10 a.m.

[Received July 3—10 a.m.]

280. 1. Requesting consideration at this Assembly, Ethiopia has presented two draft resolutions¹ to the following effect:

(a) Categorical nonrecognition of any annexation obtained by force.

(b) Financial assistance in the form of a loan of 10,000,000 pounds sterling to be issued Ethiopia and guaranteed by League members.

2. The general formal position of the Ethiopian delegation here, presented in other communications, is that the Italians have not effectively occupied more than a half of their territory and that the Ethiopian Government remains in full *de facto* and *de jure* existence.

GILBERT

765.84/4782 : Telegram

The Consul at Geneva (Gilbert) to the Secretary of State

GENEVA, July 3, 1936—8 p.m.

[Received July 3—5:33 p.m.]

284. The Mexican delegation withdrew from the Bureau of the Assembly² this afternoon and presented a formal communication to the President³ to the effect that it could not countenance the course of events being followed in the League and therefore ceased to participate in the consideration of the Italo-Ethiopian dispute.

The Bureau faced by widely divergent views is still desperately en-

¹ For texts, see League of Nations, *Official Journal*, Special Supplement No. 151, p. 60.

² The Bureau of the Assembly, also known as the General Committee of the Assembly, was responsible for the coordination and direction of the Assembly's work with functions corresponding to those of a steering committee.

³ League of Nations, *Official Journal*, Special Supplement No. 151, p. 104.

gaged in an endeavor to draft a three point resolution to be placed before the Assembly on sanctions, the Argentine declaration, and League reforms.

GILBERT

765.84/4789 : Telegram (part air)

The Consul at Geneva (Gilbert) to the Secretary of State

GENEVA, July 4, 1936—11 p.m.
[Received July 7—5:22 a.m.]

286. The Assembly this evening took up consideration of draft report and recommendation submitted by the Bureau.⁴

The report submerges the Ethiopian draft resolution on nonrecognition in the pertinent paragraph of the resolution.

The resolution notes "that various circumstances have prevented the full application of the Covenant" but reaffirms attachment to the principles of the Covenant "which are also expressed in other diplomatic instruments such as the declaration of the American States dated August 3, 1932, excluding the settlement of territorial questions by force" (the quoted portion constitutes the final result of the Argentine efforts).

The resolution invites the governments to communicate proposals for improving the application of the Covenant for submission to the next Assembly. It refers the matter of sanctions to the Coordination Committee which "should make all necessary proposals to the governments" in order to terminate them.

The Ethiopian delegate asserted that the Bureau's drafts begged the issues and insisted that the Assembly pronounce itself by roll call vote on the two draft resolutions he had submitted (my 280, July 3, 10 a.m.).

The Panamanian delegate stated that he had not sent the Bureau's drafts to his Government because they were not worthy of it.

South Africa declared it could not associate itself in any manner with the Bureau resolution.

The Bureau resolution was passed with South Africa, Chile, Panama and Venezuela abstaining.

An attempt by the Ethiopian delegate to obtain a vote on their nonrecognition resolution was quashed by parliamentary tactics. In the negative vote on the Ethiopian financial assistance resolution there were 25 abstentions which were evidently a protest against the steam-roller methods employed.

The date of the next Assembly was fixed for September 21.

GILBERT

⁴ For text, see League of Nations, *Official Journal*, Special Supplement No. 151, p. 65.

765.84/4790 : Telegram (part air)

The Consul at Geneva (Gilbert) to the Secretary of State

GENEVA, July 5, 1936—11 a.m.

[Received July 7—5:40 a.m.]

287. The public utterances, private conversations and the atmosphere of the meetings which have just concluded here reflected a greater feeling of pessimism and defeatism than I have observed before in Geneva.

1. Respecting the European situation, there were no evidences of a cohesion of policy offering hope for an early settlement. Aside from an obvious divergence of view the most marked characteristic was a lack of incisiveness respecting any view. The atmosphere of the situation is illustrated in that even in the cases when the representatives of the great powers expressed themselves with more positiveness, the reaction in the small delegations was that in view of their experiences of the recent months what they desired was not more words but deeds. The general picture is presented that the trend of affairs will for a time at least be determined by some action by Germany or Italy or by material happenings rather than through the decisions of the Geneva powers.

To cite one example, the Greek and Yugoslav Ministers told me that in respect of Eden's statement concerning the Mediterranean mutual assistance arrangements the British had not even mentioned the matter to them here and they characterize his statement as merely convenient phrasing. Furthermore, in a private meeting of the Balkan and Little Ententes in Geneva it was decided that in view of the "equivocal attitudes" of Great Britain and France their states would not speak in the Assembly. It will be noted that this unprecedented course was followed.

2. The question of the future of the League reflects the same situation.

3. Respecting the Italo-Ethiopian question, the discarding of sanctions was brought to the point of an accepted fact.

The technical position of Italy vis-à-vis the League as a state "condemned" of aggression remains; it had been definitely planned that the collateral question of nonrecognition implied in article 10 as applied to Abyssinia would not be presented. The Ethiopian attempt to obtain a vote on the subject was unsuccessful. The dispute as before the League has become lacking in substance and completely formalistic. The only question on this latter score which appears to remain is whether Rome may now demand juridical concessions par-

ticularly in the face of the "recognition" of the Emperor by the Assembly and the attendant incident precipitated by the Italian journalists.⁵

Respecting nonrecognition a member of the British delegation informed me in confidence that while an attempt to "recognize" an Italian Ethiopia was obviously an impossibility in this Assembly, British policy, nevertheless, was to have this matter dropped as quietly as possible or at most "vaguely" deferred until a *de facto* situation in Abyssinia could merge into a *de jure* situation. The Argentine initiative, although every effort was made to keep it solely on the basis of principle, rendered this difficult. A similar difficulty was encountered when the Ethiopian delegation presented a juridically "unassailable" case. Technically the question is now deferred to a greater extent than was desired to the September Assembly. The British feel that such a postponement is not necessarily a gain, but perhaps renders the immediate as well as the future situation respecting Italian cooperation more complicated; they believe that the Italians will not be able to improve their situation in Abyssinia during the rains and if the Emperor returns to Abyssinia as he threatens it may even be increasingly awkward for the League to "satisfy" Italy in September.

My informant added that he had reason to believe that Tokyo is contemplating that immediately any one of certain governments recognizes Italy in Abyssinia Japan will ask of such a government the recognition of Manchukuo.

4. Aside from the difficulty of discussing nonrecognition without any inferences relating to Abyssinia the feeling respecting the inappropriateness of the Argentine initiative was borne out by its being completely ignored by many speakers.

The final action was the result of a hard fought compromise by which the Argentine position was embedded in a general resolution which was, however, materially less than the Argentinians had desired and had expected to obtain.

5. The Latin American delegates have in the past fairly successfully maintained a common front. The Argentine action, however, evoked among them marked dissensions with consequent dissatisfaction. The last minute rally to the support of Argentina in the Assembly on the part of a number of Latin American delegations seemed from what was said to me to partake more of the character of standing by a sister American state in what had become something of an European-American issue than of their approval of the Argentine action in Geneva.

⁵ The vociferous protest raised by the Italian journalists against the Emperor of Ethiopia which led to their expulsion from the galleries.

It would seem probable that these developments will not be without effect on general Latin American-League relations. It is felt in particular that they may have a tendency to sharpen the issues, moot in certain Latin American states, concerning continued support of the League.

GILBERT

765.84/4803 : Telegram (part air)

The Consul at Geneva (Gilbert) to the Secretary of State

GENEVA, July 6, 1936—3 p.m.

[Received July 8—5 a.m.]

290. Consulate's 247, June 24, 5 p.m. Spencer,⁶ the political adviser to the Emperor, called on me this morning and in confidence related in substance the following.

It is very uncertain whether the Emperor will return to Ethiopia. He described the Emperor as having now reconciled himself to the belief that there is nothing further he can really accomplish.

Referring to an official communication of the Emperor to the Secretary General naming the authorities with a seat in Goré upon whom he had conferred powers to administer in his absence (official address via the Ethiopian Legation at London) he stated that their best advice was that there were about 75,000 troops at Goré and a total of about 135,000 loyal troops under command throughout the Empire. The present authorities at Goré were not very aggressive but should Makonnen who is a good soldier and administrator reach Goré it would be a somewhat different story. The passage of Makonnen through the Sudan had been taken up with the British Government which stated that it would oppose no obstacles. The question of the Emperor's proceeding to Abyssinia had purposely not been taken up with the British Government and should he go he would merely apply for a visa. From intimations given the delegation by Eden he felt, however, that the British would by some means prevent his return. He did not believe that the resistance to the Italians would amount to much inasmuch as, although mustard gas could not easily be used during the rains, phosgene which the Italians also employ would be a most effective weapon. He believed, nevertheless, that these forces would be troublesome and expensive to the Italians for some time, adding that at Goré they were plentifully supplied with funds. He confirmed that the Emperor took little gold out of Abyssinia, his present circumstances being indeed straitened.

He said he had reason to believe that without raising the question of nonrecognition the status of Ethiopia vis-à-vis the League would be

⁶ John H. Spencer, an American citizen.

settled at the September Assembly by the Credentials Committee deciding that the Ethiopian delegation's credentials were not in order as not emanating from a duly constituted government. He understands that all Ethiopian diplomatic missions will shortly be closed which will, he surmises, facilitate the problem respecting the foreign missions at Addis Ababa.

GILBERT

765.84/4786 : Telegram

The Consul at Geneva (Gilbert) to the Secretary of State

GENEVA, July 6, 1936—4 p.m.
[Received July 6—2:50 p.m.]

291. 1. The Coordination Committee today adopted a resolution proposing the abrogation by governments on July 15 of "the restrictive measures taken by them in conformity with its proposals 1-A, 2, 2-A, 3, 4, and 4-B".⁷

It will be noted that the foregoing resolution makes no provision for the termination of Coordination Committee proposal 5 dealing with the organization of mutual support. While not mentioned by the Committee, I learn on good authority that this course was followed as a form of compliance with a demand of the neutral states for a specific resolution binding members to mutual support in resisting any Italian discrimination following the lifting of sanctions (Consulate's 253, June 26, 4 p.m., paragraph 1). The demand of these states for fixed date in order that the lifting of sanctions might be simultaneous was however fully accomplished.

2. A joint French and British resolution suggesting that governments furnish the Secretariat before October 31 technical information respecting their experience in applying sanctions and to appoint experts to serve on a committee to study this documentation was also adopted.⁸ The motivation for such a resolution at the time and the reason for the date chosen are not yet clear.

3. The Argentine delegate asserted that sanctions should be lifted which were applied under article 16. There was, however, the question of applying article 10 and it would be for the Council to consider what should be done. He referred to the nonrecognition of Manchukuo and expressing regret that the Assembly had not voted on the Ethiopian resolution respecting nonrecognition indicated that Argentina would have voted yes. He was strongly supported by Bolivia. Haiti declared that they did not intend to recognize the acquisition of territory by force. That the Argentine statement was

⁷ For text, see League of Nations, *Official Journal*, Special Supplement No. 149, p. 63.

⁸ *Ibid.*

outside the competence of the Committee and that the Assembly had already passed on the question was stated by a number of speakers who at the same time made it clear that in voting for raising sanctions they were not taking any position on other questions.

The Argentine Minister tells me in confidence that he received instructions to take this position only this morning. He added that he personally found them exceedingly embarrassing. I gathered that Buenos Aires had not been "satisfied" with the results obtained in the Assembly and today's action is generally considered here as demonstrating Argentina's defeat in the Assembly.

GILBERT

765.84/4818 : Telegram

The Chargé in Italy (Kirk) to the Secretary of State

ROME, July 10, 1936—5 p.m.

[Received July 10—2:55 p.m.]

257. My 254, July 9, 10 a. m.⁹ Today's press prominently publishes reports of the British decision to withdraw the home fleet from the Mediterranean¹⁰ and the French communication terminating the Anglo-French mutual assistance accord in the Mediterranean. The probability of a British decision to liquidate the other Mediterranean accords is also reported. Correspondents in London attribute the British decision chiefly to the Anglo-Russian-Rumanian difficulties at Montreux¹¹ and a desire to obtain Italian cooperation, and the French decision to the fear that Italy would not agree to attend the Locarno meeting.

The Government spokesman who yesterday took note of Baldwin's statements in the Commons regarding the character of the mutual assistance accords¹² but said that Italy awaited concrete action, makes no comment whatsoever today on the British and French decisions although editorials appear in almost all other newspapers. These emphasize the perfect discipline of the Italian Navy during the past year which made it possible to avoid war in Europe although one newspaper affiliated with the authoritative *Giornale d'Italia* pays tribute to the navies of both countries for their self-control, intelligence and obedience and says that Italy's salute to the returning British units must be accompanied by this mutually gratifying recognition. All writers express the hope that the British accords

⁹ Not printed.

¹⁰ See statement made by Sir Samuel Hoare in the House of Commons, July 9, 1936, House of Commons, *Parliamentary Debates*, vol. 314, 5th Series, p. 1397.

¹¹ For correspondence regarding the Straits Conference at Montreux, see pp. 503 ff.

¹² Statement by the Prime Minister, July 8, 1936, House of Commons, *Parliamentary Debates*, vol. 314, 5th Series, p. 1169.

with Turkey, Greece and Yugoslavia will now be terminated and clearly indicate that while Baldwin's remarks the other day greatly attenuate the scope thereof there can be no half-way solution and that Italy will not resume cooperation until the accords are completely liquidated. The *Tribuna* also notes the announced increase in the British Mediterranean squadron in a more or less critical tone while other newspapers ignore this aspect.

No announcement is made from Rome of the Italian Government's intentions regarding its Libyan reinforcements although foreign reports that these will be withdrawn proportionately to British naval demobilization are largely reproduced.

KIRK

765.84/4827 : Telegram

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

PARIS, July 11, 1936—1 p.m.

[Received July 11—10:30 a.m.]

593. With regard to the report published in the press that the French Government has notified the British Government that their Mediterranean mutual assistance accord will not be in effect after July 15th, the following are the facts as stated by the Foreign Office:

When Eden made his speech in the Commons on June 18th¹³ and said that the mutual assistance arrangements in the Mediterranean which Great Britain had made with various powers should continue in effect after the raising of sanctions, Corbin¹⁴ was then instructed to say that the French were a bit puzzled over this since it was their point of view so far as their arrangement with England was concerned that once sanctions were lifted the mutual assistance arrangement which had been based on the application of sanctions must also cease to have effect. At that time the British Government did not reply definitely to the French Government but said that the Government must wait and see how public opinion in England developed.¹⁵

At the last Assembly meeting in Geneva Eden renewed the statement that the Mediterranean arrangements would continue in effect after the lifting of sanctions.¹⁶ Recently the Italian Ambassador here saw Léger¹⁷ and asked definitely if there was in fact any Mediterranean pact of a military nature directed against Italy. In reply he was informed of all the facts in the matter of the French point of

¹³ See telegram No. 315, June 18, 6 p. m., from the Chargé in the United Kingdom, p. 158.

¹⁴ André Charles Corbin, French Ambassador in the United Kingdom.

¹⁵ On July 15, 1936, Mr. Eden stated that France considered the assurances ended; House of Commons, *Parliamentary Debates*, vol. 314, 5th Series, p. 2025.

¹⁶ See League of Nations, *Official Journal*, Special Supplement No. 151, p. 34.

¹⁷ Alexis Léger, Secretary General of the French Ministry for Foreign Affairs.

view that once sanctions were lifted the Mediterranean arrangement would cease to have effect and was assured that there was no military pact of any nature directed against Italy. The French then informed the British of what was said to the Italian Ambassador.¹⁸

Repeated by mail to London, Rome, Berlin and Geneva.

STRAUS

[At the September 1936 meeting of the Assembly of the League of Nations an unsuccessful attempt was made to exclude the Ethiopian delegation by refusing to recognize their credentials. Italy refused to participate in the meetings of the Assembly. Thereafter, the Emperor of Ethiopia did not send delegations to Geneva, but reserved the right to do so should any issues arise directly affecting Ethiopia.]

IV. United States Neutrality; Extension of Neutrality Legislation; Revocation of the Neutrality Proclamations; Unfavorable Attitude of the United States Toward Proposed Visit of the Emperor of Ethiopia to the United States

765.84/3717 : Telegram

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

ROME, February 14, 1936—1 p.m.

[Received February 14—10:13 a.m.]

54. My 843, November 18, noon, paragraph 3.¹⁹ From a well-informed confidential unofficial source I learn that the Italian Government is undertaking to transfer from France, England, Switzerland and other countries in Europe to the United States money and securities which were appropriated by the Italian Government from its citizens. I am informed a small part is also being sent to the Argentine. The movement is alleged to be for the purpose of removing the physical control of the securities from the jurisdiction of sanctionist countries. Furthermore, there is no need in those countries of balances for trade purposes which precludes the idea of selling them there to establish credits.

As approximately 70 per cent of these securities owned abroad were physically within the United States at the time of appropriation, and I am recently informed that very few of these securities have been liquidated, I invite your attention to the large increase in the market

¹⁸ On July 27, 1936, Mr. Eden announced the termination of the mutual assistance arrangement in the Mediterranean; House of Commons, *Parliamentary Debates*, vol. 315, 5th Series, p. 1123.

¹⁹ *Foreign Relations*, 1935, vol. I, p. 820.

value of the American securities listed on the New York Exchange. I still feel as expressed in my telegram under reference that some attention should be given to the possibility of their being dumped on the market in case the market should break but not for retaliatory reasons. Some months ago there was an alleged agreement between the Governments of France and Italy to the end that Italy would not dump on the French market French Government bonds but that liquidation if needed would take place gradually so as not to disturb the market. We have not been able to verify this agreement with France but we have sound reason to believe it is correct. I call it to your attention for possible guidance but I cannot recommend that we be supplicants to that extent.

However, there is the real danger that the Italian Government would attempt to dispose of its securities at the highest price obtainable if the market gave the appearance of breaking. And in addition to the potential danger which existed as of the time of my telegram under reference which contemplated only 70 per cent of Italian holdings abroad there is now the danger involved in the increased amount which will run probably as high as 90 per cent in the United States of securities held abroad by the Italian Government and all valued at a higher level.

LONG

711.00111 Armament Control/756

Memorandum by the Chief of the Division of Western European Affairs (Dunn)

[WASHINGTON,] February 18, 1936.

The British Ambassador called this morning and brought up the question of the language of the resolution now pending in Congress on neutrality with particular reference to section 5 of the neutrality resolution of last August.²⁰ That section 5 provides for authorization by the President to prohibit the entrance of the submarines of a foreign nation to enter American ports during any war in which the United States is neutral. The Ambassador pointed out that the proposed Administration measure, which was offered by Senator Pittman²¹ and by Mr. McReynolds²² in the Senate and House, respectively, as permanent legislation to take the place of the neutrality resolution of last August, changed the reference to submarines in this connection

²⁰ August 31, 1935; 49 Stat. 1081.

²¹ S. 3474, introduced January 3, 1936, *Congressional Record*, vol. 80, pt. 1, p. 5.

²² H. J. Res. 422, introduced January 3, 1936, *ibid.*, p. 34.

to submarines of belligerent nations. He asked, therefore, whether the extension of the former neutrality resolution as passed in the House yesterday made any provision for amending the language of the August resolution in line with the change of wording provided for in the Administration measures which have now been temporarily laid aside. Upon looking into the matter, I found that the extending measure, as passed in the House yesterday, did not change the wording of article 5, which, therefore, is continued as applying to all foreign submarines.

I then accompanied the Ambassador to Judge Moore's²³ office, as the Ambassador desired to know whether there was any possibility of having this language amended by the Senate before the final passage of the extending resolution. The Ambassador explained that the adoption of a policy by this Government prohibiting the entrance of submarines of a power not at war might under certain circumstances be extremely inconvenient to a large naval power and the fact that such a policy was adopted by an important country like the United States might be a reason why it would be adopted by smaller countries, thus causing unnecessary difficulties for large navies.

Judge Moore explained that the application of this prohibition was discretionary with the President and he pointed out, furthermore, that as the Chairman of the Foreign Affairs Committee of the House had mentioned in his report²⁴ on the bill passed yesterday that bill would put into effect certain regulations with regard to the entrance of submarines of belligerent nations into American ports and that he had made a similar reference in a speech before the House yesterday explaining the purport of the bill, which speech is recorded in the *Congressional Record*,²⁵ the Government could at any time point to those two documentary evidences of the intent of the Committee that this prohibition should be applied only to submarines of belligerent nations and that, furthermore, it was clearly evident that any action taken by the President based upon the neutrality resolution would apply only to belligerent nations.

The Ambassador appeared to be perfectly satisfied with regard to the intent and ultimate carrying out of this provision, but he said that he would have been much happier to have seen a correction in the language made which would have restricted by law its application to belligerent nations.

JAMES CLEMENT DUNN

²³ R. Walton Moore, Assistant Secretary of State.

²⁴ H. Rept. 2001 to accompany H. J. Res. 491.

²⁵ *Congressional Record*, vol. 80, pt. 2, p. 2240.

765.84/3847 : Telegram

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

ROME, March 3, 1936—6 p.m.
[Received March 3—3:10 p.m.]

68. During the Council of Ministers meeting this morning Mussolini, before proceeding with the discussion of the regular agenda, made a statement on the following points which is published in full this afternoon.

1. Referring to the recent Italian victories in Abyssinia he expressed the gratitude of the nation to the troops in East Africa.

2. He then referred to the recent action by the Congress of the United States as regards neutrality²⁶ and said: "It approved a pure and simple extension of the present neutrality law to May 1, 1937. It therefore rejected any proposal to extend the list of commodities now subject to embargo and paid no attention whatsoever to League solicitations. As Italians we cannot but note this line of policy of the United States with satisfaction but I desire to add that American Representatives and Senators who refused any embargo on oil and other raw materials have first of all rendered precious service to the cause of world peace."

3. Mussolini called attention to the failure of the recent attempt²⁷ to solve the Danubian question without Italy and declared that no such solution could be reached without Italy's participation and without consideration of her interests. He added that in this connection Schuschnigg,²⁸ Waldenegg,²⁹ Goemboes³⁰ and Kanya³¹ would be in Rome on March 18, 19 and 20 to engage in a conference along the lines of the Rome protocols.³²

4. In reference to the Naval Conference³³ Mussolini said that no agreement of a political nature could be signed by Italy while she is being threatened and while an extension of sanctions is being advocated.

5. He then referred to the courage of the Italian people in the face of sanctions and stated that Italy is making an effort not only to

²⁶ Passage of H. J. Res. 491, extending the 1935 neutrality legislation; for text, see *Congressional Record*, vol. 80, pt. 2, p. 2239, or 49 Stat. 1152.

²⁷ The attempt of Milan Hodza, Prime Minister of Czechoslovakia, to revive interest in a Danubian pact; see vol. I, index.

²⁸ Kurt Schuschnigg, Federal Chancellor of Austria.

²⁹ Egon Berger-Waldenegg, Austrian Foreign Minister.

³⁰ General Vitéz de Goemboes, Hungarian Minister President.

³¹ Koloman de Kanya, Hungarian Foreign Minister.

³² Rome protocols of March 17, 1934, between Italy, Austria, and Hungary; for text, see League of Nations Treaty Series, vol. CLIV, p. 281.

³³ For correspondence concerning the London Naval Conference, see vol. I, pp. 22 ff.

avenge the "dead of 1895 and 1896 but to guarantee the paths of the future." Italy, he added, is serving the cause of civilization and the regime is making every effort to bring about "a maximum of economic independence without which a nation may tomorrow be violated by the arrogance of richer nations."

LONG

711.00111 Armament Control/777a: Telegram

*The Secretary of State to the Ambassador in the United Kingdom (Bingham)*³⁴

WASHINGTON, March 3, 1936—7 p.m.

The President on February 29 signed the new Neutrality Act. At the same time he issued a new Arms Embargo Proclamation³⁵ revising in some minor details the enumeration of arms in his former Proclamation of October 5.³⁶ It was not necessary for him to issue a new proclamation in regard to travel on belligerent ships as the Proclamation of October 5 on that subject³⁷ still stands. When he signed the Act, he issued a statement³⁸ in regard to the policy of this Government concerning commercial transactions with the belligerents. In that statement, he said in part: "The policies announced by the Secretary of State and myself at the time of and subsequent to the issuance of the original proclamation will be maintained in effect." (See Radio Bulletin No. 50 of February 29).

HULL

711.00111 Armament Control/828a

The Secretary of State to President Roosevelt

WASHINGTON, April 6, 1936.

MY DEAR MR. PRESIDENT: I am submitting herewith for your consideration and if you approve, your signature, a draft of a proclamation³⁹ to supersede your Proclamation of September 25, 1935,⁴⁰ enumerating the articles to be considered arms, ammunition, and implements of war for the purposes of Section 2 of the Joint Resolution of Congress approved August 31, 1935.

³⁴ The same, March 3, 7 p.m., to the Minister Resident in Ethiopia. Repeated as circular to Paris, Rome, Bern, and Geneva.

³⁵ 49 Stat. 3498.

³⁶ 49 Stat. 3474.

³⁷ 49 Stat. 3476.

³⁸ Department of State, *Press Releases*, March 7, 1936, p. 197.

³⁹ Draft not printed; for text of proclamation, dated April 10, 1936, see 49 Stat. 3503.

⁴⁰ 49 Stat. 3471.

The revised enumeration of the categories of arms, ammunition, and implements of war which has been embodied in this draft has been submitted to the members of the National Munitions Control Board and has been approved by them unanimously. The changes in the categories are of a minor sort and are intended solely for purposes of clarification or to obviate administrative difficulties. They have already been embodied in the Proclamation which you issued on February 29, 1936, pursuant to the terms of Section 1 of the Neutrality Act.

Faithfully yours,

CORDELL HULL

765.84/4336 : Telegram

The Chargé in Italy (Kirk) to the Secretary of State

ROME, May 9, 1936—noon.

[Received May 9—9 a.m.]

141. There are certain preliminary problems of special interest to our Government arising out of the situation created in Abyssinia which the Department is no doubt considering and regarding which I shall appreciate advice as soon as decisions may be reached.

The first of these problems in order would seem to be the question of belligerency, namely, that a state of war between Ethiopia and Italy proclaimed by the President in his proclamation of October 5, 1935, is to be regarded as still existing. A formal declaration of war between the two countries was never made and the war was carried on with only the interruption of diplomatic relations other than upon the entrance of the Italians into Addis Ababa Mussolini declared that the war was over and that peace was restored. As a matter of fact, however, although the usual military communiqués are no longer published the newspapers announce further military advances on Abyssinian territory and it is today reported that Harrar has been taken. The question therefore arises as to whether a state of war may be regarded as terminated merely by a declaration on the part of only one of the belligerents that the war is over while military measures which could scarcely be characterized as police measures are still in operation.

Another phase of the same question relates to the present status of the Ethiopian Government and the character which may be ascribed thereto. According to the information available the Ethiopian Government has entirely disappeared from the territory over which it exercised sovereignty and there is no proof as yet of its continuation elsewhere unless it may be regarded as established in the person of the Negus. Judging from published expression, the Italians are

contending that with the flight of the Negus and the members of the Government, Ethiopia as a state has ceased to exist. On the other hand a press report circulated this morning states that France and England will continue to recognize Ethiopia as a sovereign state. This phase of the problem therefore resolves itself into the question as to whether the Ethiopian State can be regarded as in existence and if the Italian thesis is accepted as to whether a state of war can be regarded as prevailing when one of two belligerents shall have ceased to exist.

The foregoing observations are apart from the question as to the attitude to be adopted in regard to the actual status of the Abyssinian territory as a result of the Italian occupation. This attitude will no doubt be determined in its general application on considerations of principle involved in the Italian war of conquest itself and in particular may be affected by the nature of the juridical form which the Italian Government is expected to ascribe by unilateral act to the conquered territory. Until this is announced it would seem that no definite decision on the practical aspects of the situation can be taken and it is possible that even after this confirmation is made the special circumstances prevailing in the conquered territory may obviate the necessity on the part of the foreign governments of actually declaring their attitude toward the status created. It seems clear, however, that the Italians once having succeeded in justifying this war from their own standpoint, will be astute to take advantage of any gesture in order to ascribe to any foreign government acquiescence in that status and conversely will be inclined to resent a manifestation of an unfavorable attitude.

KIRK

711.00111 Armament Control/867a : Telegram

The Secretary of State to the Minister Resident in Ethiopia (Engert)

WASHINGTON, May 9, 1936—4 p.m.

211. The Joint Resolution of Congress under which an embargo on the shipment of arms, ammunition, and implements of war to Italy and Ethiopia was proclaimed provides that "When in the judgment of the President the conditions which have caused him to issue his proclamation have ceased to exist he shall revoke the same and the provisions hereof shall thereupon cease to apply".

In considering whether the President should revoke his proclamation with respect to the Italo-Ethiopian situation the Department desires an expression of your views as to whether it may be said that the war has definitely ended.

In view of the importance of the decision which may be reached

the Department desires your very best judgment, after such careful investigation as you may discreetly make, as to whether it may be said that there is no longer any organized military opposition to the Italian forces in Ethiopia.

You will, in any conversations that you may have regarding the military situation in Ethiopia, carefully refrain from revealing the purpose of your investigation.

HULL

765.84/4428 : Telegram

The Chargé in Italy (Kirk) to the Secretary of State

ROME, May 15, 1936—4 p.m.

[Received May 15—12:40 p.m.]

161. The following administrative measures relating to Ethiopia have been mentioned so far in the Italian press.

(1) Italian consular visa is required for all foreigners entering Ethiopia.

(2) The Ministry of Justice has instructed that all civil and legal documents be issued "in the name of His Majesty Victor Emanuel III, by the grace of God and the will of the nation, King of Italy and Emperor of Ethiopia."

(3) The Bank of Ethiopia will be absorbed by the Bank of Italy which is shortly to open an Addis Ababa branch.

(4) Mussolini has instructed the President of the Industrialists Confederation to organize among the interested corporative categories technical, scientific and practical members to study Ethiopian resources. The press declares editorially that development and colonization will be controlled through the corporative organization and that the work will start immediately. A colonial agricultural bureau has been created in the Farm Labor Confederation under the charge of experts in colonial, agricultural and syndical organization. All persons or concerns interested in colonial schemes must present their projects to the Ministry of Colonies.

KIRK

765.84/4362 : Telegram

The Secretary of State to the Chargé in Italy (Kirk)

WASHINGTON, May 16, 1936—1 p.m.

43. Your 141, May 9, noon, and your 147, May 11, 3 p.m.⁴¹ The problems mentioned in your 141 are being studied by the Department and only a preliminary indication can be given you of the method which may be proposed to deal with them.

⁴¹ *Post*, p. 227.

As regards the President's Proclamation prohibiting shipments of arms to both belligerents, we are of the opinion that our action must be determined independently of the decisions of other countries and upon the basis of the actual situation existing in Ethiopia. This would involve such considerations as whether all effective resistance to Italian forces has ceased and whether any executive authority exists in Ethiopia other than that established by the Army of Occupation.

We realize that the decision of states members of the League with regard to the continuance of the measures which they have enforced would presumably be taken in the light of their obligations under the League Covenant and would entail consideration of the continued existence of Ethiopia as a sovereign state. On the other hand, the revocation of the President's embargo Proclamation on the mere recognition of the fact that the conditions which caused him to issue it no longer exist would be based on the facts of the situation and would have no relation whatever to the question of recognition of rights to sovereignty over the territory.

HULL

711.00111 Armament Control/878 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, May 17, 1936—noon.

[Received 6:15 p.m.]

352. Department's 211, May 9, 4 p.m., and my 351, May 17, 9 a.m.⁴² At the present moment it can hardly be said that the war has definitely ended although the Italian Government is most anxious to create that impression. By referring to my 339, May 14⁴³ and 350, May 17,⁴⁴ the Department will see that some of the Italian footholds in the north are by no means secure and that penetration into the south is bound to be slow and hazardous. Pacification of the whole country will therefore take time.

On the other hand organized military opposition in any modern sense of the term is not likely to develop on a large scale. Although there are still a number of leaders in the field with guerilla bands, it is impossible to estimate their strength. I understand that the most important is Ras Imru with perhaps 10,000 men operating in Gojjam.

May I suggest that the Department defer action until the situation has become more clarified? It may also perhaps be advisable to instruct London to make discreet inquiries.

ENGERT

⁴² Latter not found in Department files.

⁴³ Not printed.

⁴⁴ *Ante*, p. 76.

711.00111 Armament Control/888

*Memorandum by the Chief of the Division of Far Eastern Affairs
(Hornbeck)*

[WASHINGTON,] May 18, 1936.

In the light of developments of last week, and especially of information given in telegrams from Engert and Kirk and Gilbert⁴⁵ over the week-end, it is believed that this Government should persevere in its attitude of "watchful waiting" and should continue to take no action toward proclaiming, as for this country, that the "state of war" between Italy and Ethiopia is at an end.

Unquestionably the course pursued by this country, as indicated in and followed under the so-called "neutrality" acts, has made more difficult for the countries members of the League the effort which they have made, under the Covenant, in their handling of the Italy-Ethiopia question. The merits of our attitude and course of action from point of view of interests other than those of this country need not in this connection be discussed. The fact that a number of countries are doing what they can to make the collective system a reality and that this country does not see fit to participate in that effort needs, however, always to be kept in mind. Accepting the fact that we will not participate, there still remains as a practical question for us this question: May not and should not this Government be liberally and sympathetically disposed toward the efforts of those who seek to make the collective system effective to deal with the questions which are of more immediate and direct concern to them than to us; should we not refrain wherever possible from taking action not urgently needing to be taken by us, which action, if taken, will make more difficult the efforts of the others?

In considering the question of any proposal for action by us in reference to the Ethiopia situation, ought we not ask ourselves both of two questions, (1) what real advantage will that action, if taken, be to us; and (2) will that action, if taken, be to the advantage or to the disadvantage of efforts which are being made by other nations in connection with problems in regard to which we have along with them a common interest (such as the problems of peace, of respect for treaties, etc.)?

With regard to the question of our possibly proclaiming the "war" at an end and lifting our embargoes,—would this action, if taken at this moment, be of any real advantage to us? Is our trade or are our interests in general with Italy and/or Ethiopia now suffering losses or impairment because of continuance in existence of the embargoes?

⁴⁵ Prentiss B. Gilbert, Consul at Geneva.

Insofar as export trade in arms is concerned, would our trade be measurably increased if the embargo were lifted; and, are we eagerly solicitous for increase in that trade? In the matter of travel, and in that of their business and their relations in general with Italy, are our nationals now suffering any substantial inconvenience or losses or hardship in consequence of the continuance in existence of the embargo?

Would not any action in this connection by us at this time add to the confusion which exists at Geneva and make more difficult the effort which the British Government is making on behalf of the principle of peace and toward preventing new eruptions in Europe?

Insofar as public opinion in this country is concerned, is there any extensive or highly influential demand that the Government lift the embargoes? Is there not a latent interest in the efforts of the League and of the British Government, which, if action were taken by this Government tending to contribute toward further frustration of those efforts, would elicit an outburst of adverse criticism?

It is believed that it would be advisable for this Government to continue to "proceed slowly" in regard to this whole question.

S[TANLEY] K. H[ORNBECK]

765.84/4455 : Telegram

The Chargé in Italy (Kirk) to the Secretary of State

ROME, May 18, 1936—4 p.m.

[Received 5 p.m.]

171. Department's 43, May 16, 1 p.m. Although it is obviously impossible to determine from information available here the actual situation existing in Ethiopia, the following observations are submitted as of possible relevancy in connection with the Department's study of the question of the continued application of the President's proclamations of October 5 on arms shipments and travel on belligerent vessels.

As regards the military operations in Ethiopia it is possible only to offer certain considerations which in themselves do not establish the facts of the situation. The Italian Government declared on May 9 that the war with Ethiopia had ended and a Governor General Viceroy was vested with full powers over the military authorities of the territories subject to his jurisdiction. Since that date no military communiqués have been issued and no important advances have been reported since the fall of Harrar (see my 141, May 9, noon). Accounts continue to be published of a gradual occupation of the country accompanied by the submission of native chiefs, but all military activities are referred to as dispersions of criminal bands and police measures to restore and maintain order under a regime of martial

law. No attacks on Italian troops or effective resistance to Italian forces are reported and in this connection Captain Meade,⁴⁶ who has just passed through Rome en route to the United States, informs me that although armed resistance on the part of native bands in the unoccupied territory may be expected, there is no longer any established Ethiopian military authority or centralized command in the country. In view of the fact, however, that a large part of Ethiopia is not under actual Italian control and that no definite information is available as to the situation existing there both as regards an executive authority as well as a military organization, future developments in the territory outside Italian control can only be a matter of conjecture.

As regards the status of Ethiopia with special reference to the matter of the existence there of an executive authority, confusion still exists but certain factors are apparent. Italy has declared sovereignty over the territories and peoples of the Empire of Ethiopia with the King of Italy as Emperor, a Governor General Viceroy has been given power over the civil authorities of the territories under his jurisdiction, steps are to be taken for the organization of Ethiopia and the foregoing provisions are effective as of May 9. Although no official statement has been made as to the juridical status of Ethiopia as a result of the Italian victories and the decrees of May 9 unofficial interpretations have characterized this status as not in the nature of a personal union of two crowns and two states and explain that whereas from an international standpoint Ethiopia is an inseparable part of the Italian state, from an internal viewpoint although it belongs to Italy it is not incorporated in or annexed to the Kingdom. Special measures have already been adopted for the administration of the country and others are apparently in process of preparation.

In this connection civil governors (see my 133, May 6, 6 p.m.)⁴⁷ or commissioners have been appointed for Addis Ababa, Harrar, Jijiga and Diredawa, various other administrative measures have been announced (see my 161, May 15, 4 p.m., and 164, May 16, 11 a.m.)⁴⁸ and within the last few days it has been reported that the public works financing consortium has allotted 100,000,000 lire to form the initial capital of a separate section of that concern for financing public works in Ethiopia and that the Committee of Ministers created last March for the defense of savings has issued general instructions regarding the organization of credits for the economic development of Ethiopia. These provisions are predicated upon the Italian claim to sovereignty over Ethiopia and are regarded as manifestations of the application

⁴⁶ Military Attaché at Addis Ababa.

⁴⁷ *Ante*, p. 73.

⁴⁸ Latter not printed.

of Italian executive authority in the territory. On the other hand, it is reported that the Negus maintains his sovereign powers and that there is even a nucleus of a native government in the unoccupied territory which might eventually exercise authority.

The foregoing observations are sufficient to demonstrate the conflicting nature of the evidence relating to the military resistance in Ethiopia and the existence of an executive authority there and to indicate the impossibility of drawing definite conclusions as to the actual facts of the situation.

From the evidence at hand, however, it might be argued that a war or a state of war as typified by massed armed Ethiopian and Italian forces in opposition does not exist at the moment and that from present indications the renewal of hostilities of this nature does not appear imminent. It might further be argued that not only is there an expressed intent on the part of the Italian Government to establish an executive authority in Abyssinia but that certain steps affecting the occupied territory are being taken to carry out that intent and that any attempts from without to modify that intent would meet with an opposition from which the gravest consequences might result. The validity of such arguments, however, and their significance would be the basic factors in determining whether the revocation of one or of both of the President's proclamations of October 5 would be warranted or opportune and that fact should be recognized by states whose decisions might be affected by other considerations. Those states, either by direct negotiation or through the mechanism of the League, are presumably occupied in efforts to find a solution of the conflict whether by agreement on some juridical formula or by absorbing the present conflict into some general constructive plan of European reorganization. The first problem of the United States, however, would seem to be the liquidation of the measures adopted as a neutral during a war whenever conditions warrant and the consideration of the final settlement of the conflict and of the attitude of the Government thereto may be left in abeyance until circumstances require a decision in that regard.

KIRK

765.84/4470 : Telegram

*The Chargé in Italy (Kirk) to the Secretary of State*⁴⁹

ROME, May 20, 1936—4 p.m.
[Received May 20—11:45 a.m.]

173. Department's 46, May 19, 6 p.m.⁵⁰ Italian papers today publish reports from Addis Ababa to the effect that according to accounts

⁴⁹ Repeated to the Minister Resident in Ethiopia as Department's telegram No. 242, May 20, 6 p.m.

⁵⁰ Not printed.

from Italian airmen who are said to be maintaining surveillance throughout the entire country and from caravans reaching Addis Ababa during the past few days from Gimma, Caffa and Gambella the rumors as to an Ethiopian troop movement toward Addis Ababa on the western borders with the support of Sudanese contingents under the command of an Ethiopian Prince are false. Reports add that the attitude of Ras Imru who, in command of a few hundred warriors, had taken refuge near the Godjam border is becoming less hostile. One editorial mentions Ras Imru as probably the only chieftain alive who has not fled the country or submitted to Italy and that his fate will soon be decided.

KIRK

765.84/4487 : Telegram

The Chargé in Italy (Kirk) to the Secretary of State

ROME, May 23, 1936—11 a.m.
[Received May 23—8:15 a.m.]

177. A Stefani communiqué published from Addis Ababa this morning states territorial occupation is going forward methodically with the peaceful submission of the population. Absolute calm prevails in the Gondar, Tana and Sudan frontier regions. The Third Army Corps is occupying the Dessie region, the 4th moving toward Gondar and the 2nd holding its positions and intensifying work on roads and political organization; the "October 28" Black Shirt Division continues to garrison the Tembien. The air force maintains active survey over entire territory.

KIRK

765.84/4504 : Telegram

The Chargé in Italy (Kirk) to the Secretary of State

ROME, May 26, 1936—7 p.m.
[Received May 26—3:10 p.m.]

178. My despatch No. 1695 of May 21st and telegram No. 167 of May 16, 6 p. m.⁵¹ The laws of May 18th which converted into law the May 9th decrees declaring Italian sovereignty over Ethiopia were published in the *Official Gazette* yesterday. All acts issued in the name of the King of Italy now include the title Emperor of Ethiopia.

The following resolution [*provisions?*] pertaining to civil and military measures in Ethiopia are taken from the Italian press.

Marshal Badoglio has departed for Italy leaving Graziani in charge. Graziani has been replaced as Governor of Somaliland by General

⁵¹ Neither printed.

Santini and a Vice Governor of Somaliland has also been appointed. General Guzzoni, hitherto Vice Governor of Eritrea, has been appointed Governor of the territory comprising Eritrea, Tigrai, Danakil and Aussa. The Civil Governor and Vice Governor of Addis Ababa have departed for Italy.

Troops in Ethiopia will be kept at full strength, only volunteers who hold political or syndical positions at home being furloughed. Reports are published of the methodical occupation of the entire country together with accounts of the advances made, accompanied by submission of tribes, military leaders and former Government officials. A high military official in Addis Ababa has denied any skirmishes in localities occupied by Italian troops. A large number of prisoners of war have been released. Fifty-three individuals are officially announced as having been executed between the occupation of Addis Ababa and May 21st, 39 of them having been caught in the act of looting or firing, and all of them guilty of serious crimes. An infantry battalion is being transported by air from Makalle to Addis Ababa for experimental purposes. It is said that while all undesirable foreigners will be expelled, persons engaging in honest business will be protected.

A scheme for the administration of civil justice in Ethiopia has been completed by the local government and is now in Rome for approval. Fascist party headquarters for Addis Ababa have been established and a Fascist Ethiopia youth movement organized. A commission of experts is shortly to arrive in Addis Ababa to study questions connected with the liquidation of the Bank of Ethiopia and the monetary situation. A Rome-Addis Ababa civilian air line is expected to begin operating in the middle of June probably via Khartoum. Airfields at Diredawa and Debra Marcos are being rapidly improved and the Addis Ababa field will be equipped to operate efficiently even at the height of the rainy season. Civilian air lines connecting all centers are now under study. Postal rates prevailing in Italy have been officially extended to Ethiopia.

KIRK

765.84/4550 : Telegram

The Chargé in Italy (Kirk) to the Secretary of State

ROME, June 1, 1936—1 p.m.

[Received 2 p.m.]

184. My 178, May 26, 7 p. m.; despatch 1710, May 29.⁵² A law passed this morning by the Council of Ministers, and effective as of today, provides for the organization and administration of Italian East Africa along the following lines; there is a government general,

⁵² Latter not printed.

capital Addis Ababa, the head of which is the Governor General Viceroy who has immediately under him a Vice Governor General and for military matters a Chief of Staff. The government general has: superior directors in charge of various civil and political bureaus for the coordination and direction of policy and administration of subordinate governments; a government council; and a board of advisers which in addition to officials includes six private Italian citizens and six native chieftains or notables.

There are five governments under the government general, namely: Eritrea, capital Asmara, including Tigrai, Danakil, Aussa; Amhara, capital Gondar, comprising uplands from Tana to Shoa; Galla and Sidamo, capital Jimma, from lake region to Sudan; Harrar, capital Harrar, including Arussi and Bale; Somaliland, capital Mogadiscio, including Ogaden. Each of these has a Governor, Secretary General and Commander of the Troops.

Each government is subdivided into commissariats, residencies and vice residencies.

Ample guarantees are provided for Islamic religion and law and the teaching of Arabic is compulsory in all Moslem territories. The law contains specific regulations referring to the Monophysite Church of Ethiopia and envisages agreements with the ecclesiastical authorities for the promotion of religious institutions throughout Christian territories and of strengthening ties between the Ethiopian populations and the Coptic Church of Egypt. The text of the law will be forwarded by mail as soon as it is published.

Among other colonial measures approved by the Council of Ministers on Saturday are draft decrees: authorizing the Public Works Financing Consortium to create a separate section for Ethiopia with an initial capital of 100 millions against which the section may issue bonds in foreign currency as well as lire; increasing Colonial Office personnel and reserving three-fourths of career candidacies for volunteers in the Ethiopian campaign; appropriating 50 million lire for construction of quarters for Government employees in Ethiopia. Two national insurance institutes have allotted 500 million lire for public works in Ethiopia.

The Government of Ethiopia has by decree prohibited the exportation of silver thalers and precious metals.

The Government at Addis Ababa has also issued a decree providing for the administration of civil justice, has instituted a public welfare and hygiene committee to assist needy Europeans and natives and has issued a decree designating a civil "board to supervise and organize all hospitals and other sanitary services."

As to the military situation the press reports complete tranquility in all regions including the vicinity of Gore which on May 26 was

very carefully observed by an air squadron. It also publishes reports from foreign sources that the Ethiopian Governor in that district had fled across the border. Announcements of submissions, surrender of arms and methodical occupation of the territory particularly along the frontiers continue.

KIRK

765.84/4559 : Telegram

*The Chargé in Italy (Kirk) to the Secretary of State*⁵³

ROME, June 2, 1936—7 p.m.

[Received June 2—5:36 p.m.]

189. My 171, May 18, 4 p.m. Lieutenant Colonel del Valle, Assistant Naval Attaché to this Embassy, has just returned from East Africa and submits the following information based on his observations there:

Colonel del Valle was with Graziani's army from April 4 to May 15, 1936, and visited the following localities: Mogadiscio, Merca, Obbia, Villa Gioabruzzi, Afgoi, Beletven, Gorrahei, Galredare, Hamanlei, Sassbaneh, Jijiga, Harrar and Diredawa, proceeding by rail to Djibouti from the latter place. At the time of his departure effective opposition had ceased and the Italian forces were in complete control of the areas visited. Bands of Ethiopian soldiery were being gradually persuaded to turn in their arms; the Italians pursuing a most conciliatory policy even paying for their arms and arranging for their repatriation to their homes. General Graziani was planning the occupation of the region south and southeast of Addis Ababa by advancing from Neghelli along the main trail between Magola and Addis Ababa. It is estimated that no opposition of a serious nature will be encountered. Undoubtedly small armed bands will continue to exercise brigandage in the more remote section for some time to come but the suppression of these movements will be in the nature of police measures.

While military commanders exercised supreme authority in the area visited, civil officials were already beginning to function at the time of Colonel del Valle's departure and law and order were being restored. Contact with the natives was almost entirely through the civilian officials. People were returning to the towns and some modicum of commerce was beginning.

Colonel del Valle is now preparing and will submit a complete report.

KIRK

⁵³ Substance of this telegram transmitted to the Minister Resident in Ethiopia as Department's No. 265, June 4, 5 p.m.

711.00111 Armament Control/878 : Telegram

The Secretary of State to the Minister Resident in Ethiopia (Engert)

WASHINGTON, June 4, 1936—6 p.m.

266. Your 352, May 17, noon. The Department appreciates the difficulties involved in your obtaining accurate detailed information regarding the military situation, but it would appreciate receiving from time to time such reports on current developments as may help to throw light upon the subject discussed in its 211, May 9, 4 p.m. Information as to extent to which Italian control has been extended over Ethiopian territory would be particularly helpful.

HULL

765.84/4600 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, June 5, 1936—9 a.m.

[Received June 7—6:30 p.m.⁵⁴]

395. Department's 266, June 4. There is really very little to add to my telegrams in the latter part of May as the situation has remained practically unchanged. But I should like to correct certain erroneous statements in telegrams the Department has been good enough to repeat to me.

1. Department's 242, May 20.⁵⁵ It is untrue that Italian airmen are maintaining surveillance "throughout the entire country". They may do so in the north and southeast but no attempt at surveillance has so far been made in the south and southwest.

2. Department's 265, June 4.⁵⁶ . . . Italian forces cannot yet be said to be "in complete control" anywhere south of the ninth parallel and west of the fortieth meridian except along the railway. There seems to be no Italian troops south of the Blue Nile and the westernmost point in central Ethiopia so far occupied is Ambo about 55 miles from Addis Ababa. To say that contact with the inhabitants is maintained "almost entirely by civil officials" is entirely untrue even in Addis Ababa although it may be applicable to the extreme north.

3. No attempt has been made by the Italians to penetrate into the vast areas comprising such provinces as Jimma, Wollega, Kaffa, Bakema, Walamo, Sidamo, Arussi. For example, there are eight Europeans on the ninety-fourth [*sic*] coffee plantations in Arussi who sent message to the Belgian Minister here that their homes had been sacked and they were in danger of their lives. Although they are

⁵⁴ Telegram in two sections.

⁵⁵ See footnote 49, p. 200.

⁵⁶ See footnote 53, p. 204.

only 14 hours by road from Arba railway station, the Italians have so far been unable to send any forces for their evacuation.

4. Similarly my repeated inquiries concerning welfare of Americans in the south and southwest have always received the reply that the Italian authorities have no information whatever regarding the situation in those provinces and were not yet prepared to send any troops there. When I suggested patrolling by planes I was told it was too risky because of impossibility of landing in an emergency.

5. Ras Seyum the Italians claim to have captured; also Dejazmatch Wandwossen, Ras Kassa's eldest son. Ras Imru still has a force somewhere west of Ambo and Ras Desta is believed to be in Sidamo. In Lekempti, the province due west of Addis Ababa, Dejazmatch Gabre Mariam, a Galla who is the hereditary ruler there, has set up a government of his own and is reported to keep good order. Jimma, which like Lekempti is a Galla province, is being held by Kantiba Tanna an ex-mayor of Addis Ababa. He too is said to have the situation fairly well in hand. In Wallega a certain Fitoraori Johannes, another Galla and son of a former chief there, appears to have assumed control but with what success is unknown here.

6. The Italians themselves admit that the disarming of the natives has been very slow and unsatisfactory. For example, Badoglio told me that in Addis Ababa only 400 rifles had been collected which is a ludicrous figure considering that nearly every Abyssinian habitually carried a rifle of some sort. In the provinces the proportion is doubtless even smaller and convoys between here and Dessie continue to be attacked.

7. The above is not intended to convey the impression that properly constituted political entities exist which govern portions of the country in the name of the Emperor or that any large organized forces are in the field even in those areas where no Italian soldiers have so far been seen. I merely wish to point out that certain obvious difficulties are only just beginning for the Italians and that even if they are left in undisturbed possession by the other powers it may be 6 months or more before the whole country can be properly garrisoned.

ENGERT

865D.01/109 : Telegram

The Chargé in Italy (Kirk) to the Secretary of State

ROME, June 12, 1936—6 p. m.

[Received June 12—3:45 p. m.]

206. Department's 43, May 16, 1 p. m., and my 171, May 18, 4 p. m. Since the announcement of the law providing for the organization

and administration of Italian East Africa, effective June 1st (see my 184, June 4 [1], 1 p. m., and despatch No. 1723, June 5⁵⁷) the measures relating to Italian executive authority in that territory have generally appeared in the form of decrees and ordinances issued by the Viceroy or Regent in Addis Ababa and it is assumed that that procedure will be followed in the future. Furthermore, accounts of any conflicts with Ethiopian bands or advances by Italian troops into unoccupied territories have been totally absent from the press and references to military activities have been confined to reports of submissions and disarming of native chiefs, the existence of banditry in certain districts and the surveillance by the air force over the unoccupied regions. Reports based on information available to the Embassy relating to the administrative and military aspects of the situation in Ethiopia since the declaration of Italian sovereignty over that territory are found in despatches numbers 1679,⁵⁸ 93 and 95 and 1716, 23,⁵⁹ 32 and 33 and in telegrams numbers 164, 171, 173, 177, 178, 184, 188 and 189.⁶⁰ From this information it would appear that the Italians have established an executive authority in Ethiopia and that effective resistance to Italian forces no longer exists, although it is obvious that further administrative acts will be required to complete the establishment of this executive authority and that further military measures will be required to enforce and to extend that authority. Unless, however, entirely new elements are injected into the situation it may be assumed that future developments will be in the nature of a general process and will not result in conditions analogous to those created by and following the Italian invasion of Ethiopia. From the facts of the situation, therefore, insofar as they may be determined from information available and inferred from opinions expressed in foreign circles, a state of war between Ethiopia and Italy may be judged no longer to exist. On that assumption it is submitted that the problem of the revocation of the President's proclamation of October 5th now becomes mainly a matter of policy which, in its larger aspects, only the Department can determine. If, however, this problem can be regarded solely in relation to its European aspects, it is further submitted that the revocation of the proclamation of the President would not only tend to eliminate one element in the already overcomplicated situation but if carried out at this time would further enforce the declared policy of the United States of independent decision based on the recognition of facts.

KIRK

⁵⁷ Latter not printed.

⁵⁸ See footnote 87, p. 226.

⁵⁹ Apparently a reference to telegram No. 23, January 13, 11 a. m., from the Ambassador in Italy, p. 88.

⁶⁰ Nos. 93, 95, 1716, 32, 33, 164, and 188 not printed; for Nos. 171, 173, 177, 178, 184, and 189, see pp. 198-204.

711.00111 Armament Control/924

The Secretary of State to President Roosevelt

WASHINGTON, June 12, 1936.

MY DEAR MR. PRESIDENT: On May 9, 1936, we instructed Mr. Engert, the Minister Resident at Addis Ababa, to give us, after careful investigation, the benefit of his best judgment as to whether it could be said that there was no longer any recognized military opposition to the Italian forces in Ethiopia. It was explained to Mr. Engert that this information was desired for use in considering the possible revocation of the proclamation of October 5, 1935, placing an embargo on the shipment of arms, ammunition and implements of war to Italy and Ethiopia.

On May 17 Mr. Engert reported that it could hardly be said that the war had definitely ended although the Italian Government was most anxious to create such an impression. In this connection Mr. Engert pointed out that some of the Italian footholds in the North were by no means secure and that penetration of Italian troops into the Southern area was bound to be hazardous and slow. On the other hand, he expressed the opinion that organized military operation in the modern sense was unlikely to develop on a large scale. At the same time he pointed out that there were still a number of Ethiopian leaders in the field with guerrilla bands but it was impossible to estimate their strength. Under these circumstances Mr. Engert suggested that action in the matter be deferred until the situation had become more clarified.

On June 4, 1936, instructions were sent to Mr. Engert requesting such further reports from time to time with respect to the military situation as might help throw light upon the subject discussed above. On the following day Mr. Engert replied that Italian forces could not be said to be in complete control anywhere South of the Ninth Parallel and West of the Fortieth Meridian except along the Djibouti-Addis Ababa railway. He added that there appeared to be no Italian troops South of the Blue Nile and that the Westernmost point so far occupied in central Ethiopia was the town of Ambo, some fifty-five miles West of Addis Ababa. Mr. Engert stated, moreover, that the Italians had made no effort to penetrate into vast areas in the Southwest of the country and that the Italian authorities had been unable to accede to the request of the Belgian Minister for the evacuation of eight Europeans located on coffee plantations only fourteen miles [*hours*] by road from one of the railway stations not far from Addis Ababa. The Minister Resident also stated that his repeated inquiries concerning the welfare of American missionaries in the Southern and Southwestern part of the country had always been met with the reply

that the Italian authorities had no information concerning the situation in that area and that they were not prepared to send any troops there.

From the foregoing description it would appear that the Italians are not in control of the area marked in purple on the enclosed map.⁶¹ It will be observed that this area amounts to approximately one-third of the territory of Ethiopia.

Mr. Engert reports the receipt of information from some of the Western provinces indicating that local chieftains have set up governments in those areas and keeping reasonably good order. Disarming of the natives has apparently been slow and unsatisfactory. For example, Mr. Engert was informed by Marshal Badoglio that only 400 rifles had been collected in Addis Ababa. Inasmuch as nearly every Ethiopian was accustomed to carrying a rifle of some sort the number collected at the capital is obviously extremely small. The proportion of rifles collected in the provinces is doubtless even smaller and reports are received that Italian convoys between Addis Ababa and Dessye continue to be attacked.

Mr. Engert points out that he does not wish to convey the impression that properly constituted political entities exist and govern portions of the country in the name of the Emperor or that any large organized forces are in the field even in those areas where no Italian soldiers have so far penetrated. He observes, however, that certain obvious difficulties are just beginning for the Italians and that even if they are left by other Powers in undisturbed possession it may be six months or more before they will be able properly to garrison the whole country.

I learn informally that the War Department has no reports which throw any additional light upon the military situation in Ethiopia.

In view of the uncertainties of the situation and pending further clarification thereof we are of the opinion that it would be desirable to refrain from taking any action with respect to the revocation of the proclamation of October 5, 1935, establishing an embargo upon the shipments of arms to Italy and Ethiopia, until I report to you further.

Faithfully yours,

CORDELL HULL

711.00111 Armament Control/927a : Telegram

The Secretary of State to the Minister Resident in Ethiopia (Engert)

WASHINGTON, June 16, 1936—6 p.m.

279. As was explained in the Department's 211, May 9, 4 p.m., consideration is being given to the desirability of advising the President to revoke the Proclamation of October 5, 1935.

⁶¹ Not attached to file copy.

From your telegram 395, June 5, 9 a.m., the Department understands that you are of the opinion that despite occasional skirmishes between Italian forces and Ethiopian bands it cannot be said that the present military operations in Ethiopia constitute "war". Before taking definite action, however, with respect to the revocation of the Proclamation of October 5 the Department would welcome as soon as possible a further expression of your views and any recent information which would throw light on the problem under discussion.

HULL

765.84/4684 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, June 18, 1936—11 a.m.

[Received June 20—5:30 p.m.⁶²]

428. Department's 279, June 16. There has been no appreciable change in the situation since my telegram No. 395, June 5. I am reliably informed that 3 or 4 days ago an Italian convoy was attacked by a large band of "Shiftas" *id est*, ex-soldiers and local inhabitants, some 80 miles from here on the road to Dessie and that 3,000 Italian troops had to be detached from the local garrison to ensure greater safety in that area. Skirmishes continued to be [apparent omission] from the neighborhood of Addis Alam about 40 miles from the capital, and similar encounters must be quite frequent all over northern Ethiopia although the Italian authorities never admit any officially.

I estimate that over 40 per cent of the country is not even nominally under Italian control and as the heavy rains are about to begin military operations on a large scale and even air reconnaissance would be suspended for about 4 months. In the meantime leaders like Ras Imru and Ras Desta may be able to collect sufficiently large forces to offer a certain amount of resistance when the Italians attempt to occupy the southern and southwestern provinces.

Although the Italians in order to impress the natives announced that an army of 30,000 had occupied Addis Ababa I feel convinced from personal observation that only about half that number actually arrived. Since then the garrison has been reduced to less than 8,000 men which has given rise to anxiety—privately admitted by Italian officers—lest the rainy season find them ill-prepared not only to insure communications but to defend the city itself. It is an incontestable fact that even now columns of less than 1,000 Italians dare not move outside a radius of 5 miles from the capital.

The military considerations [aside?] I venture to submit that the revocation of the President's proclamation of October 5 at the present

⁶² Telegram in two sections.

moment would, because of the peculiarly confused situation in Europe, assume a very definite political and diplomatic significance which the Department would presumably wish to avoid. The Italian Government would at once seize upon it as an indication that America desires to give a lead in an attack upon the sanctionist front. It might therefore be preferable if we waited a reasonable time after the next meeting of the Council of the League, even though its decision would of course have no bearing on our policy, the revocation of the proclamation would then be much less Republicanized and less likely to be construed in a political sense.

Furthermore, for purely practical reasons, it would be to our advantage not to display undue haste. There are already many indications that Italy proposes to deal with all foreign interests in Ethiopia in a very high-handed manner and that the principle of the open door will not be respected either as regards concessions or ordinary trade. Without in any way connecting the two questions we could, I believe, very properly evince concern regarding the future treatment of American interests at the hands of the Italians before taking a step which cannot but be exceedingly pleasing to the Italian Government.

I realize fully, of course, that the abandonment of the arms embargo would in no sense imply recognition of the Italian annexation of Ethiopia but I felt I should point out certain psychological factors which may indirectly have a considerable influence on utilitarian bargaining as may later become necessary or possible.

ENGERT

711.00111 Armament Control/944a

Memorandum by the Legal Adviser (Hackworth) ⁶³

The following quotation from Oppenheim's treatise on International Law,^{63a} which represents the consensus of opinion of the authorities, shows the distinction between guerilla warfare and war between "two or more foreign States", as specified in the resolution of Congress:

" . . . one speaks of guerilla war or petty war when, after the defeat and the capture of the main part of the enemy forces, the occupation of the enemy territory, and the downfall of the enemy Government, the routed remnants of the defeated army carry on the contention by mere guerilla tactics. Although hopeless of success in the end, such petty war can go on for a long time, thus preventing the establishment of a

⁶³ Evidently this memorandum was supposed to accompany the Secretary of State's letter to President Roosevelt, June 19, 1936, not printed, which transmitted a draft statement regarding the revocation of his neutrality proclamations.

^{63a} L. Oppenheim, *International Law, A Treatise*, vol. II, 4th ed., p. 126.

state of peace, in spite of the fact that regular war is over and the task of the army of occupation is no longer regular warfare. Now, the question whether such guerilla war is real war in the strict sense of the term in International Law must, I think, be answered in the negative, for two reasons. First, there are no longer the forces of the two States in the field, because the defeated belligerent State has ceased to exist through the military occupation of its territory, the downfall of its established Government, the capture of the main part and the routing of the remnant of its forces. And, secondly, there is no longer in progress a contention between armed forces. For although the guerilla bands are still fighting when attacked, or when attacking small bodies of enemy soldiers, they try to avoid a pitched battle, and content themselves with constantly harassing the victorious army, destroying bridges and railways, cutting off communications and supplies, attacking convoys, and the like, always in the hope that some event may occur which will induce the victorious army to withdraw. If, then, guerilla war is not real war, it is obvious that in strict law the victor need no longer treat the guerilla bands as a belligerent Power, and their captured members as soldiers. [He then goes on to state that he sees no advantage in treating them as criminals.]^{63b} (*Ibid.* 126.)

It is conceivable that guerilla warfare in Ethiopia may be carried on for some time to come, as in the case of the Philippine Islands, following the Spanish American War and other similar situations.

WASHINGTON, June 19, 1936.

711.00111 Armament Control/949 : Telegram

*The Secretary of State to the Ambassador in Italy (Long)*⁶⁴

WASHINGTON, June 20, 1936—1 p.m.

71. The President has just issued Proclamations⁶⁵ revoking his Proclamation of October 5, 1935, admonishing American citizens that travel on Ethiopian or Italian vessels would be at their own risk and his Proclamation of February 29, 1936, renewing the embargo on arms, ammunition and implements of war destined to Ethiopia or Italy.

These Proclamations will be released for publication in the morning papers of June 21.

When he issued his Proclamations the President also issued a statement,⁶⁶ for release with the Proclamations, in which he gave reasons for his action in revoking the Proclamations, stating that the specific circumstances which caused him to issue his former Proclama-

^{63b} Brackets appear in the original memorandum.

⁶⁴ A similar telegram was sent to the Minister Resident in Ethiopia as Department's No. 282, June 20, 1 p.m.

⁶⁵ Dated June 20, 1936; 49 Stat. 3527.

⁶⁶ Department of State, *Press Releases*, June 20, 1936, p. 642.

tions no longer existed and that his statements in regard to commercial transactions with the belligerents were no longer applicable. The full text of the Proclamations and of the statement will be transmitted in tonight's radio bulletin.

You are requested to instruct the supervising Consul General at Naples to notify Consulates in Italy that the instructions contained in the Department's telegram No. 200, November 13, 1935, 6 p.m.⁶⁷ are revoked. Trade promotion activities in Italy may therefore be resumed. The Secretary of Commerce has been so informed.

HULL

884.001 Selassie I/335 : Telegram

The Ambassador in the United Kingdom (Bingham) to the Secretary of State

LONDON, July 31, 1936—1 p.m.
[Received July 31—9:10 a.m.]

384. The Embassy is reliably informed that the Emperor of Ethiopia contemplates applying through the Ethiopian Consul General in New York for permission to enter the United States.

Whatever reason may be officially given for this visit, the Embassy understands that the Emperor will endeavor to raise funds.

BINGHAM

884.001 Selassie I/335

Memorandum by the Chief of the Division of Near Eastern Affairs (Murray) to the Secretary of State

[WASHINGTON,] August 1, 1936.

I spoke with Ambassador Bingham by long distance telephone at 11:55 this morning regarding his telegram 384 of July 31, one p. m., to the effect that the Emperor of Ethiopia contemplates applying to the Ethiopian Consul General in New York for permission to visit the United States.

I told the Ambassador that you desired him to make every appropriate effort to dissuade the Emperor from seeking permission to visit the United States at this time. I suggested that the Ambassador might bring discreetly and informally to the attention of the Emperor that the interest of the people in this country is now wholly centered upon the national elections next November and that a visit from the Emperor meanwhile would almost certainly receive scant attention and would be devoid of any results he might hope to attain through his visit.

⁶⁷ *Foreign Relations*, 1935, vol. 1, p. 818.

I suggested that the Ambassador avoid any discussion of the advisability of the Emperor visiting the United States after the elections and stated that you would prefer to meet that issue if and when it arises at a subsequent time.

I told the Ambassador I was sure he would realize the necessity of carefully avoiding any publicity in carrying out your instructions in the present instance.

The Ambassador stated that he understood the situation fully and that he was sure he could carry out your wishes in this matter without difficulty and without publicity.

WALLACE MURRAY

711.00111 Armament Control/984 : Telegram

The Chargé in Italy (Kirk) to the Secretary of State

ROME, August 4, 1936—10 a.m.
[Received August 4—9:25 a.m.]

310. Department's 71, June 20, 1 p.m. Embassy would appreciate any expression of opinion the Department would care to give as to the nature of the reply which should be made to requests now being received from American firms for assistance in connection with trade transactions with Italy entered into subsequent to the Department's telegram No. 200, November 13, 6 p.m., 1935,⁶⁸ regarding trade promotion activities in Italy and prior to the Department's telegram 71 of June 20th revoking the instruction contained therein.

KIRK

884.001 Selassie I/337 : Telegram

The Ambassador in the United Kingdom (Bingham) to the Secretary of State

LONDON, August 5, 1936—7 p.m.
[Received August 5—3 p.m.]

389. Because of reports I have heard (my 384, July 31, 1 p.m.) and especially in view of a telephone conversation with Murray, I saw Dr. Martin,⁶⁹ representative of Ethiopia this morning, he having requested an appointment with me. Dr. Martin referred to the fact that the Emperor Haile Selassie had been urged to go to the United States for the purpose of raising money to enable the Ethiopians to hold on to that part of their territory still under their control. I told

⁶⁸ *Foreign Relations*, 1935, vol. 1, p. 818.

⁶⁹ Dr. W. C. Martin, Ethiopian Minister in the United Kingdom.

him that I thought it would be unwise to undertake such a visit at this time in view of our pending presidential election when the minds of our people generally would be fixed largely on their domestic political situation to the exclusion of probable interest in outside affairs of any kind. He accepted this statement apparently in full but then raised the question of going there himself to which I made the same answer and received the impression from him that he would not again attempt to broach the matter at least until after the election. Although Dr. Martin cannot necessarily control the situation with respect to the Emperor, I also received the impression from him that the question of a visit by Haile Selassie will probably not be raised at least for some time to come.

BINGHAM

711.00111 Armament Control/984 : Telegram

The Acting Secretary of State to the Chargé in Italy (Kirk)

WASHINGTON, August 6, 1936.

105. Your 310, August 4, 10 a.m. If the requests for assistance involve transactions which in the judgment of the officers, to whom such requests are addressed, may be considered to be in the course of normal trade with Italy or initiated and established before the period referred to but continued into or throughout it, diplomatic and consular officers in Italy are authorized to grant assistance customarily afforded.

The Department's telegram No. 200⁷⁰ had reference primarily to trade promotion activities during the period prior to the revocation of the President's proclamations of October 5, 1935, and February 29, 1936. Inasmuch as the specific conditions which caused the President to issue these proclamations have ceased to exist it is no longer believed necessary to withhold customary protection, unless it is clearly apparent that a request for assistance is made in connection with a transaction made in violation of the spirit of the proclamations and subsequent statements of the President and the Secretary, which called for the limitation of trade to its normal proportions. In such cases or in cases where the transaction was solely intended to take advantage of the abnormal conditions then prevailing, the Department considers that assistance should be refused on the ground that such trade was undertaken entirely at the risk of the shipper. Cases involving doubt should be referred to the Department for its decision.

Repeat to Consuls.

PHILLIPS

⁷⁰ November 13, 6 p.m., *Foreign Relations*, 1935, vol. I, p. 818.

884.51/59 : Telegram

The Ambassador in the United Kingdom (Bingham) to the Secretary of State

LONDON, August 10, 1936—5 p.m.

[Received August 10—1 p.m.]

391. Subsequent to the conversation reported in my 389, August 5, 7 p.m., Dr. Martin sent me the following letter.

“August 6, 1936.

It was very kind of you to favor me with an interview yesterday and to give me your valuable advice but, I am sorry to trouble you again, as on further consideration it has occurred to me that under our present critical position it will not only be unwise but dangerous for me to postpone my visit to America till November as very likely we will have been executed before then unless the necessary financial help is secured before long. I therefore think that I must go as soon as possible and take my chance of securing at least a certain amount of financial assistance.

I hope Your Excellency will kindly look at the matter from my point of view and give me your approval and necessary permission to go as soon as possible.

(Signed) W. Martin.”

I requested Dr. Martin to call at the Embassy and he came on August 8th when every effort was made to dissuade him from his purpose. He politely insisted, however, that it was imperatively necessary from the Abyssinian point of view for him to make the endeavor to solicit financial aid in the United States which he believed “certain sympathetic persons” would be willing to extend. He frankly admitted that any funds so collected would be used to continue armed struggle against Italy. Dr. Martin was finally told that the question was one which would have to be submitted to my Government. Later in the day he telephoned to say that he hoped when his request was put before the Department that I would say that in the event he should be unable to go himself the Emperor’s daughter would apply for permission to go in his place.

BINGHAM

811.111 Diplomatic/8926 : Telegram

The Secretary of State to the Ambassador in the United Kingdom (Bingham)

WASHINGTON, September 1, 1936[—5 p.m.]

320. Your 391, August 10, 5 p.m. and 416, August 31, 4 p.m.⁷¹ This Government is strongly of the opinion that Dr. Martin’s proposed activity in this country would be contrary to the spirit of our

⁷¹ Latter not printed.

neutrality laws and desires you to bring this opinion emphatically to Dr. Martin's attention with a reminder that public knowledge of our views in the matter could not fail to have an adverse effect upon his proposed endeavors here.

For your confidential information it may be stated that while the Department considers that the visit of any Ethiopian official or personage to the United States at this time for the avowed purpose of raising funds is highly undesirable and should be prevented if possible, the Department would not, for various reasons, consider it advisable to refuse visas to such individuals if they insist upon coming.

HULL

884.001 Selassie I/339 : Telegram

The Secretary of State to the Ambassador in the United Kingdom (Bingham)

WASHINGTON, September 10, 1936—5 p.m.

333. The Reverend William Sheafe Chase, Superintendent of the International Reform Federation, Washington, D. C., called yesterday to inform the Department that his London representative had invited the Emperor of Ethiopia to visit the United States presumably in connection with Dr. Chase's activities favoring the calling of a conference of the signatories of the Paris Anti-War Pact to consider the Ethiopian situation. He inquired whether it was true, as he had been informed by his London office, that the Emperor had been refused permission to visit the United States.

He was told that the Emperor had not applied for a visa and that consequently permission had not been refused. At the same time Dr. Chase's attention was drawn to the considerations outlined in the third sentence of your 389, August 5, 7 p.m., and paragraph 1 of the Department's 320, September 1, 5 p.m.

Today a letter was received from Dr. Chase stating that he had cabled his London representative to inform the Emperor that "his papers would be visaed by the American Embassy."

The foregoing is for your information and in no way alters the Department's 320, September 1, 5 p.m.

HULL

884.001 Selassie I/340 : Telegram

The Ambassador in the United Kingdom (Bingham) to the Secretary of State

LONDON, September 11, 1936—2 p.m.

[Received September 11—9:55 a.m.]

429. Your 333, September 10, 5 p.m. Edward Page Gaston, apparently the London representative of the Reverend William Chase,

called to see me yesterday and referred to the telegram he had received from Dr. Chase to the effect that he might inform the Emperor that "his papers would be visaed by the American Embassy". Mr. Gaston seemed to think that such a message was one on which the Embassy could act. I made it clear to him, however, that the Embassy was in no way concerned in such a message and that action in the premises could only be taken under instructions from my Government. I endeavored to point out to him the futility of the Emperor's making a visit to the United States, particularly before the election, and he gave me to understand that the Emperor would not make such an attempt before the election.

BINGHAM

884.001 Selassie I/345 : Telegram

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

ROME, November 20, 1936—3 p.m.

[Received November 20—12:05 p.m.]

416. Count Ciano⁷² informs me that the ex-Negus is still planning to go to the United States for purposes of propaganda. He has sent me a list of persons and associations in the United States who, according to his information, are sponsoring the trip. It appears that the director of the group is William Leo Hansberry, the secretary William M. Steen, both of Washington, D. C. The complete list will be sent by mail unless requested by telegraph by the Department. Count Ciano feels that any such expedition for propaganda purposes would be most unfortunate.

I have told him that this plan of the Negus had been brought to our attention while I was still in the Department and that I was under the impression that it had been abandoned.

PHILLIPS

884.001 Selassie I/347 : Telegram

The Acting Secretary of State to the Ambassador in the United Kingdom (Bingham)

WASHINGTON, November 23, 1936—2 p.m.

415. Your 429, September 11, 2 p.m. Ciano has informed Mr. Phillips that the Negus is still planning to visit the United States for propaganda purposes and has supplied list of persons who are said to be sponsoring trip. Ciano expressed the view that such a visit would be most unfortunate.

Please furnish the Department and Embassy at Rome with any information you may be able to obtain respecting such a visit.

MOORE

⁷² Count Galeazzo Ciano, Italian Minister for Foreign Affairs.

884.001 Selassie I/348 : Telegram

The Ambassador in the United Kingdom (Bingham) to the Secretary of State

LONDON, November 26, 1936—3 p.m.
[Received November 26—11:52 a.m.]

571. Department's 415, November 23, 2 p.m. I have heard nothing in London about such a visit since my 429, September 11, 2 p.m., and in the circumstances it seemed advisable to confine present inquiries to the Foreign Office which stated that they also have heard nothing.

Repeated to Rome.

BINGHAM

V. Attitude of the United States Toward Recognition of Italian Annexation of Ethiopia

765.84/4305 : Telegram

The Chargé in Italy (Kirk) to the Secretary of State

ROME, May 6, 1936—7 p.m.
[Received 8 p.m.⁷³]

134. The statement by Mussolini last night that "Ethiopia is Italian" has concentrated attention on the juridical procedure which the Italian Government may eventually adopt in order to consolidate its occupation of Abyssinian territory.

During the past few days of the advance on Addis Ababa various conjectures along this line have been circulating. Prior to the departure of the Negus and the disappearance of the Abyssinian Government the solution generally predicted was the negotiation of a peace with some Abyssinian authority which would give Italy practical control of the country. Following the latest development, however, the attitude has been reflected even in the press that Ethiopia as a state has now ceased to exist; that therefore there can be no negotiations and that Italy's military occupation amounts to political possession subject only to the specific appeasing of other nations. On this assumption it has been suggested that the flight of the Negus might be considered as tantamount to abdication and that the organization of Abyssinia on the model of British India might be contemplated with the King of Italy assuming the title of Emperor of Abyssinia and the local government in the hands of the various races. Another procedure suggested has been that of actual annexation with the colonies of Eritrea and Somaliland extended to embrace the entire Ethio-

⁷³ Telegram in three sections.

pian territory. In some circles the Duce's speech⁷⁴ of last night is regarded on first analysis as leaning toward this plan although his general reference might cover other procedures. The suggestion has also been made that Mussolini might propose the establishment of a system of government similar to that maintained by the French in Morocco and in this connection it might be recalled that in the initial stages of the conflict the Duce drew an analogy between the Italian enterprise in Abyssinia and the French occupation of Morocco.

The question immediately arises as to the relation to League action of any plan that may be adopted. The theory has been advanced as the League can only function at the request of a member state and as Ethiopia is no longer a state the League can drop the matter without any decision by the Council, Assembly or Secretariat.

This simple solution appears to be confined to Italian unofficial circles.

The French Ambassador on the other hand told me yesterday morning that he considered that a solution of the Abyssinian conflict from the international standpoint was more difficult now than at any time since the commencement of hostilities, that terms which might have been agreed to in the latter part of last year, or even in March of this year when direct negotiations between Italy and Abyssinia failed, no longer seemed possible and that it was clear that Italian aims had grown with the conquest of territory. The Ambassador said that from the League standpoint a negotiated peace even with a puppet native government in Abyssinia would be more acceptable but there appeared now to be no material out of which such a government could be formed. Any other plan would offer serious difficulties although strenuous efforts were being made by France to aid in arriving at some solution which would terminate the conflict. According to the French view some form of cooperation between England and Italy was essential to confront the problems of reorganization in Europe and to that end France was urging moderation on the part of the Duce and a more favorable attitude toward Italy on the part of the British Government and it was hoped that these efforts would result in some favorable results in Geneva. The British Ambassador in a conversation today did not give the impression that he considered that the events of the last few days had in themselves rendered a solution appreciably more difficult. He agreed that some form of negotiated peace would have rendered easier the work of the League but that there now seemed no possibility of such a development and said that some proposal whereby the welfare of the native population might be safeguarded on the basis of the principles laid down in article 22 of the Covenant

⁷⁴ Speech announcing the entry of Italian troops into Addis Ababa.

would go far toward relieving British public opinion. British interests in Abyssinia, he added, aside from the objection to the recruiting of a black Italian army there, were confined to the Lake Tana region and certain grazing rights and those interests were amply provided for in existing treaties and agreements. As to the formula through which these considerations would be given effect in Geneva, the British, as well as the French Ambassador, offered no concrete suggestions and they as well as others are inclined to the idea that events have moved with such rapidity that the Italians themselves may not yet have reached a concrete plan. It is felt, however, that some declaration will have to be made by the Italian representatives in Geneva on May 11, and from certain indications it does not appear improbable that a definition by the Italian Government of the juridical aspects of the future status of Abyssinia might be forthcoming before that date.

As regards possible developments relating to sanctions a thesis has been advanced in Italian unofficial circles that on the assumption that the measures were adopted by individual states on their own responsibility each country may determine on its own initiative the future of those measures and that consequently this particular matter may be handled outside the League. The British Ambassador in discussing this question said that it would be impossible to extend the sanctions at Geneva as the French Government whose days were numbered, could not go beyond the measures already taken, and the British Ambassador likewise did not foresee any such move.

In conversations with members of the Foreign Office the usual reserve is encountered as to the actual course of the Duce's policy in the near future. They reiterate the view that the war is over and that the emphasis must now be on peace. Suvich⁷⁵ in a brief conversation today reflected a certain optimism as regards future developments although in answer minor officials showed that they were mindful of the difficulties ahead. I detected a preoccupation among the latter as to the attitude of France not only in connection with the policy of the future government there but especially in regard to a possible conflict of Italian and French interests in Abyssinia itself. This preoccupation seems to be overshadowing in their minds the Italo-British tension and to indicate a recrudescence of the anti-French attitude which colored Italian-French relations before the Laval⁷⁶ visit and the beginning of an approach to the pro-British attitude adopted by the Italian Government prior to the Abyssinian conflict. This possible change of attitude, however, is detected only in limited official circles and is not reflected in general public opinion here.

KIRK

⁷⁵ Fulvio Suvich, Italian Under Secretary of State for Foreign Affairs.

⁷⁶ Pierre Laval, former French Minister for Foreign Affairs.

765.84/4525

Memorandum by the Legal Adviser (Hackworth)

[WASHINGTON,] May 7, 1936.

If Italy carries out to a logical conclusion the statement in Mussolini's speech of May 5 that "Ethiopia is Italian", our first question will be whether we should accept unqualifiedly the new order of things and readjust our international relations accordingly, or whether we should await the action of other countries more directly and materially concerned. Unless the Ethiopians under some new form of leadership shall continue the struggle (which does not at the present moment seem likely), leaving the possible eventual outcome in an unsettled state, we shall probably be under the necessity of treating with Italy as the sovereign power in Ethiopia. While it is not necessary to come to any immediate decision on the course to be followed, we should be prepared to act advisedly at any time that action seems to be required.

It is more than likely that the first question requiring attention will have to do with our diplomatic representation in Ethiopia. The Italian Government will undoubtedly make a move sooner or later to terminate the foreign missions in Addis Ababa.

Other questions which will undoubtedly shortly arise will be:

(1) whether our consular officers in Ethiopia will be required as a condition precedent to the exercise of consular functions to obtain exequaturs from the Italian Government;

(2) whether we shall be permitted to exercise extraterritorial jurisdiction over our nationals in Ethiopia, as we have been doing by virtue of Article III of the treaty of 1903⁷⁸ and the corresponding Article of the treaty of 1914⁷⁹ with Ethiopia;

(3) whether treaties between the United States and Ethiopia will be regarded by Italy as still in force, or whether the treaties between the United States and Italy will be regarded as applicable to Ethiopia. The principal treaty between the United States and Ethiopia is that of commerce of 1914.

If Italy actually takes over Ethiopia, I do not think that we could successfully contend that the treaties with the latter country thereafter subsist, or that we could exercise extraterritorial jurisdiction in Ethiopia if the Italian Government objected, which it undoubtedly will do.

In 1905, when Japan and Korea entered into an agreement by which Japan was given control and direction of the external relations of Korea, Japan undertook to see to the execution of the treaties existing between Korea and other countries and Korea undertook not

⁷⁸ Signed at Addis Ababa, December 27, 1903, *Foreign Relations*, 1904, p. 298.

⁷⁹ Signed at Washington, June 27, 1914, *ibid.*, 1920, vol. II, p. 243.

to conclude any additional treaties or agreements, except through the medium of the Government of Japan. The agreement provided that Japan should be represented at the court of the Emperor of Korea by a resident general who should take charge of and direct matters relating to diplomatic affairs. When that agreement was communicated to this Government by the Japanese Legation at Washington, the Department in a note of November 24, 1905, to the Japanese Minister, stated that it had on that day directed by telegraph the withdrawal of the American Mission to Korea, and had given instructions that the representation of the United States in diplomatic matters and relations with Korea would thereafter be conducted directly with the Japanese Legation at Washington, or through the American Legation at Tokyo. (1905 *For. Rel.* pp. 612-614).

Later, on August 22, 1910, Japan and Korea concluded a treaty by which the Emperor of Korea ceded all rights of sovereignty over the whole of Korea to Japan. At the time this treaty was concluded, Japan made a declaration with reference to matters relating to foreigners and foreign trade in Korea. Among other things the declaration stated that—

“Treaties hitherto concluded by Korea with foreign powers ceasing to be operative, Japan’s existing treaties will, so far as practicable, be applied to Korea. Foreigners resident in Korea will, so far as conditions permit, enjoy the same rights and immunities as in Japan proper, and the protection of their legally acquired rights, subject in all cases to the jurisdiction of Japan. The Imperial Government of Japan are ready to consent that the jurisdiction in respect of cases actually pending in any foreign consular courts in Korea at the time the treaty of annexation takes effect shall remain in such courts until final decision.” (1910 *For. Rel.* 682.)

In acknowledging the receipt of the communication from the Japanese Embassy at Washington transmitting the copies of the treaty and the declaration, the Department in a note of September 17, 1910, stated that—

“While I am constrained by the great importance of the interests of American citizens in Korea to make all necessary reservations as to their rights and privileges, I beg to inform your excellency that the Government of the United States is gratified to note the assurances already given by the Imperial Japanese Government concerning matters relating to foreigners and foreign trade in Korea.” (*Ibid.* 683).

Upon the permanent occupation of Madagascar in 1895 by France, the French Government in response to an inquiry by the United States stated that the Treaty of Friendship and Commerce of 1881 between

the United States and Madagascar,⁸⁰ under which consuls enjoyed certain rights of civil and criminal jurisdiction, would be inconsistent with the new order of things created by the occupation. At the same time assurances were given by France that the conventions applicable to the government and citizens of the United States in France or French possessions would be extended to the Island. After the passage of the law of August 6, 1896, for the formal annexation of the Island as a French colony, the treaties previously existing between Madagascar and foreign countries were declared to be at an end, and the system of conventions in force in French colonies to be substituted therefor. This Government accepted the position of the French Government.⁸¹

In the Joint Resolution of Congress of July 7, 1898,⁸² by which the Hawaiian Islands were annexed to the United States, it was declared that all treaties then existing between those Islands and foreign powers should forthwith cease and be replaced by the treaties then existing or thereafter to be concluded between the United States and such foreign powers.

Other instances could be cited, but these will suffice to show that, generally speaking, when a country is absorbed by another country, whether by treaty or by force of arms, treaties between the annexed country and third powers cease to exist, and the territory of the annexed or incorporated state becomes impressed with the treaties of the acquiring state, so far as locally applicable.

Since the foregoing was dictated, telegrams have been received from Addis Ababa and Rome indicating that a military form of government has been established by Italian authorities, and that Legation officials will be allowed, "pending further disposition regarding the cessation of hostilities and the new status of the country", to enjoy prerogatives accorded to them for the representation of the interests of their countries. This, as the note handed the American Minister⁸³ clearly indicates, is but a temporary measure and may be changed at any time. A military occupant, especially one who has conquered and subjugated a country, has supreme power over the territory occupied, and, to all intents and purposes, is the sovereign during the period of occupation. The belligerent military occupant, for example, possesses an unquestioned right to regulate all intercourse between the territory under his control and the outside world. The situation in Ethiopia is different in some respects from that obtaining in Belgium during the World War. In that case Germany was in the position

⁸⁰ Malloy, *Treaties*, 1776-1909, vol. I, p. 1061.

⁸¹ See *Foreign Relations*, 1896, pp. 117 ff.

⁸² 30 Stat. 750.

⁸³ See telegram No. 298, May 6, 11 a.m., from the Minister Resident in Ethiopia, p. 286.

of a military invader, as distinguished from a conqueror, as is the case of Italy in Ethiopia, yet, in the case of Belgium, the German Government announced in November, 1914, that exequaturs of neutral consular officers in Belgium would be regarded as having expired. Minister Whitlock, however, remained in Brussels and continued to enjoy diplomatic privileges and immunities until the severance of diplomatic relations between the United States and Germany (February 3, 1917) when the German authorities withdrew his diplomatic privileges. Nevertheless, Mr. Whitlock remained in Brussels until the end of March 1917, when he and other American officials in Belgium were ordered by this Government to withdraw.

For the time being action by this Government should await further announcements on the part of Italy.

GREEN H. HACKWORTH

765.84/4525½

Memorandum by the Secretary of State

[WASHINGTON,] May 8, 1936.

After Mr. Allende Posse,⁸⁴ who accompanied the Argentine Ambassador⁸⁵ on a call to my office today, had paid his respects and left, at my request the Ambassador remained behind for a few words on another subject.

I then proceeded to refer to the Italian occupation of Ethiopia by military force and expressed the opinion that the interpretation and application of the Argentine Peace Pact⁸⁶ to this Italo-Ethiopian situation would come up for decision possibly within three or four days hence. In the most unofficial and individual manner, I suggested that it would be exceedingly important if the Ambassador could, in the same informal way, sound out his Government as to what it had in mind with respect to the interpretation and application of the Argentine Peace Pact to the forcible invasion and seizure of Ethiopia by Italy.

The Ambassador said that the Italian situation in his country, to which this question would call attention, would be most serious; that there were one million native-born Italians in Argentina and they were a great factor in that country. I reminded him that of course we had a similar situation in this country, but said that great peace champions like our two nations and our two governments, who are accustomed to proclaim the sanctity of treaties and to denounce violators of treaties, are in no situation to turn and walk away from

⁸⁴ An Argentine highway-building engineer.

⁸⁵ Felipe A. Espil.

⁸⁶ The Anti-War Treaty on Nonaggression and Conciliation, signed at Rio de Janeiro, October 10, 1933, *Foreign Relations*, 1933, vol. iv, p. 234.

the plain letter, as well as the spirit and policy, of the peace obligation to which they are signatories without saying or doing anything; and that it is correspondingly important that the Argentine Government—the author of this peace pact, its sponsor and its depository—may undoubtedly have something special or definite in mind as to how to deal with the forthcoming Italo-Ethiopian situation as applied from the standpoint of a signatory of the Argentine Peace Pact.

The Ambassador again expressed himself as feeling that the matter would be quite difficult. He finally stated, however, that he would immediately think over all its phases and see what he could do in this respect and advise me later.

C[ORDELL] H[ULL]

705.84/4513

*Italian Royal Decree—Law No. 754 of May 9th, 1936*⁸⁷

[Translation]

DECLARATION OF THE FULL AND ENTIRE SOVEREIGNTY OF THE KINGDOM OF ITALY OVER ETHIOPIA AND ASSUMPTION BY THE KING OF ITALY OF THE TITLE OF EMPEROR OF ETHIOPIA

Article 1. The territories and peoples which belonged to the Empire of Ethiopia are hereby placed under the full and complete sovereignty of the Kingdom of Italy. The title of Emperor of Ethiopia is assumed, for himself and his successors, by the King of Italy.

Article 2. Ethiopia shall be governed and represented by a Governor General having the title of Viceroy who shall also have under him the Governors of Eritrea and Somaliland.

All the civil and military authorities of the territories subject to his jurisdiction shall be subordinate to the Governor General, Viceroy of Ethiopia.

The Governor General, Viceroy of Ethiopia, shall be appointed by royal decree on the proposal of the Chief of Government, Prime Minister Secretary of State, Minister Secretary of State for Colonies.

Article 3. Under royal decrees issued on the proposal of the Chief of Government provision will be made for the organization of Ethiopia.

Article 4. The present decree, which shall go into effect as of the date thereof, shall be presented to Parliament for conversion into law. The Chief of Government, Prime Minister Secretary of State, proposing the decree, is authorized to present the relative bill of conversion.

⁸⁷ Printed in the *Official Gazette* of May 9. Translation transmitted to the Department by the Chargé in Italy in his despatch No. 1879, May 12; received May 27.

765.84/4344 : Telegram

The Chargé in Italy (Kirk) to the Secretary of State

ROME, May 10, 1936—10 a.m.

[Received May 10—7:30 a.m.]

144. Foreign Office telephoned me yesterday afternoon that if I wished to view the ceremony at the Palazzo Venezia in the evening a window would be reserved in the Palace. The same invitation was extended to all chiefs of mission of non-sanctionist countries and War Ministry invited corresponding Military, Naval and Air Attachés and certain foreign military missions in Rome to attend and as I considered it advisable for me to be at the chancery while the announcements were being made I inquired at the Foreign Office as to the nature of the invitation and upon being informed that it was not official I explained the circumstances that might prevent me from attending and I was not present at the ceremony announcing the Empire. The Military and Naval Attachés to the Embassy were at the Palazzo Venezia.

As the Italian press publishes prominently today a list of the chiefs of mission attending the ceremony and the fact that they were received by Mussolini afterwards I am sending the foregoing for the Department's information.

KIRK

765.84/4362 : Telegram

The Chargé in Italy (Kirk) to the Secretary of State

ROME, May 11, 1936—3 p.m.

[Received May 11—2:20 p.m.]

147. Insofar as can be ascertained at present the status of Ethiopia which the Italian Government regards as having been established by the decree approved Saturday night (my 143, May 9, midnight⁸⁸) is not clearly defined even in the minds of Italian officials themselves. They declare that from their point of view the Empire of Ethiopia has ceased to exist and that the territories and peoples of the Empire have been placed under Italian sovereignty and in this connection the doctrine of "debellatio" is mentioned. It is on the matter of the juridical status of the territory, however, and the significance thereof where uncertainty seems to exist. It is pointed out that this is not a clear case of annexation nor has a colony been formed but an entity has been set up of which the exact nature and relation to the Kingdom of Italy will have to be defined by subsequent administration acts. The analogy of Great Britain and India is alluded to and in certain

⁸⁸ Not printed.

unofficial circles reference is made as to the possibility of invoking the analogy in order to facilitate League action. More definite explanations are not yet available.

In the course of a conversation at the Foreign Office I was informed of the telegram sent to Italian missions abroad instructing that the respective governments be handed copies of the Royal Decree approved May 9th with certain oral explanations. I gathered that, contrary to the conjectures circulating in diplomatic circles, there is no thought of attempting to obtain any "recognition" on the part of foreign states of the situation created, but a responsible official of the Ministry volunteered the statement that it was hoped that "friendly governments would take cognizance of the situation" described in the Royal Decree. Whether, however, foreign governments may be confronted with some special circumstance involving a decision as to the recognition of the title of Emperor conferred on the King of Italy has apparently been given little thought as yet at the Ministry.

Suvich this morning told me that from their reports the reactions in England and France were not very gratifying. He expressed great interest in the views that might be expressed in the United States and spoke with enthusiasm of the recent statement⁸⁹ of Ambassador Long which has been published here. Mussolini also, at the Palazzo Venezia on Saturday evening, conveyed to the Military Attaché to this Embassy his appreciation of the Ambassador's statement and I have learned that he thanked the representatives of non-sanctionist governments whom he received on that occasion (see my 144, May 10, 10 a.m.) for the attitude of their governments during the conflict.

In general the members of the Italian Government and the people are at present outspoken in protestations of friendship for the United States and are eagerly awaiting some indication of America's attitude. They naturally hope that this attitude will be favorable. The neutral policy of the United States Government is commended editorially and appreciated in Italy and there is the further hope here that the development of that policy in the face of recent events will not render more difficult the efforts towards the settlement of a conflict which, irrespective of considerations of justice in the cause itself, Italy is now attempting to regularize and eliminate as a menace to world peace. I am convinced, however, that whenever it may be found necessary or advisable for the United States to disclose an attitude, and whatever that attitude may be or whether it is openly expressed or conveyed by implication, it cannot but be recognized here that the Government of the United States in reaching its decisions is adopting its own independent course of action irrespective of the policies of other governments.

⁸⁹ See despatch No. 1685, May 15, from the Chargé in Italy, p. 235.

I shall appreciate any advices which in the meanwhile the Department may be in a position to forward to me for my confidential information and guidance.

KIRK

765.84/4396

*The Italian Ambassador (Rosso) to the Secretary of State*⁹⁰

The Italian Ambassador presents his compliments to His Excellency the Secretary of State and, acting upon the instructions of his Government, has the honor to bring to the Secretary's knowledge that, by a decree dated May 9th, 1936, the Italian Government has proclaimed that the territories and peoples of the Empire of Ethiopia have been placed under full and complete sovereignty of the Kingdom of Italy and that the title of Emperor of Ethiopia has been assumed for himself and for his successors by H. M. the King of Italy.

To rule over the aforesaid territories and peoples there has been appointed, with the title of Viceroy, a Governor General from whom will depend all civil and military Authorities of the territories placed under his jurisdiction.

WASHINGTON, May 11, 1936.

765.84/4397

Memorandum by the Secretary of State

[WASHINGTON,] May 12, 1936.

The Italian Ambassador called on his own initiative and stated that his Government had instructed him to notify me in accordance with a memorandum, quoted below,⁹¹ which the Ambassador then proceeded to hand to me.

The Ambassador said that his Government had further instructed him to make certain oral explanations relative to the speedy and, what I inferred from the language of the Ambassador to be, the premature action of the Italian Government in proclaiming the annexation of Ethiopia with the Italian King as Emperor of that country. The idea he sought to convey was that a state of more or less anarchy and looting, with killing and injuring of people, had been existing in Ethiopia after the departure of the Ethiopian Government and before the arrival of Italian troops in Addis Ababa and certain other centers of population. There was not much substance to his explanation. He branched off a little further in this general direction, but in a broader

⁹⁰ This note was handed to the Secretary of State by Ambassador Rosso May 12, 1936.

⁹¹ Memorandum dated May 11, 1936, *supra*.

way, with some comment relative to the manner in which Italy at this stage is misunderstood both at Geneva and elsewhere in the world; and that in due course the motives of Italy and the many special circumstances which are not generally understood and known at present will become known to other nations and Italy then will not be subjected to the same viewpoint by others that she now is to a more or less extent.

I simply thanked the Ambassador when he handed me the written memorandum and also when he concluded his somewhat rambling and scattering oral statement.

He then remarked that his Government realized it was too early for consideration to be given to these matters by us or others; that he understood perfectly that I was not expected to offer any comment at this stage. I again thanked him for what he was saying and indicated that I understood perfectly the idea he was expressing—the fact that no comment was expected at this time.

C[ORDELL] H[ULL]

765.84/4413

Memorandum by the Under Secretary of State (Phillips)

[WASHINGTON,] May 12, 1936.

The Italian Ambassador told me that he had just left with the Secretary, under instructions, formal notification of the annexation of Ethiopia; that he had asked for no comments and that the Secretary had made none; he went on to say that the annexation was by far the best solution of the problem; that he felt, in due course, Geneva would recognize the facts as they existed; the Italian Government had been very much surprised as [*at*] the degree of pacification which had already been accomplished in Ethiopia; there had been stouter resistance expected from the local tribes; the subservient tribes, which occupied an inferior position to the "Ethiopian war lords" had, in fact, all of them accepted the Italian administration of the country; 200,000 of the Italian army had already agreed to remain in the country and cultivate the land in the vicinity of Aduwa and more undoubtedly would follow their lead.

The Ambassador asked me what position the United States would take in the circumstances and he proceeded to give his own ideas as to what this attitude would be; that the United States, not being one of the powers more immediately concerned in that part of the world, would await the action of the more interested governments before reaching any conclusion, etc. etc.

I said that, in my opinion, we were not ready even to go as far as this; that, in fact, we had not yet decided what course we were ready to

pursue; that the situation was still, as far as we were concerned, in a state of flux and that this Government had not determined the course which we would adopt.

The Ambassador concluded his remarks by a reference to the adjournment at Geneva and the fact that the next regular meeting of the League Council would be in January [*June?*], when he assumed that the attitude of the nations with respect to Abyssinia would again be the subject of discussion.

WILLIAM PHILLIPS

865D.01/179

The Colombian Chargé (Vargas) to the Secretary of State

[Translation]

No. 1188

WASHINGTON, May 13, 1936.

MR. SECRETARY: Acting under instructions received from my Government, I have the honor to address Your Excellency in order to call to your attention that the Italian Government yesterday notified the annexation of Ethiopia to Italy and the grant of title of Emperor to the King of the Italians, His Majesty Victor Emanuel III.

Since in the declaration signed at Washington on August 3, 1932⁹² and in Article II of the Anti-war Pact of non-Aggression and Conciliation of Rio de Janeiro of 1933, the signatory American nations declared that they will not recognize the validity of occupation or acquisition of territories which may be attained by force of arms, my Government instructs me to invite the Secretary of State to make a joint reply, or at least a uniform one, to the Italian notification, in which the annexation that has been made known shall not be recognized and in which there shall be kept alive the American principles set forth in the agreements transcribed.

I avail myself [etc.]

ALBERTO VARGAS NARIÑO

765.84/4405 : Telegram

The Chargé in Honduras (Gibson) to the Secretary of State

TEGUCIGALPA, May 13, 1936—3 p.m.

[Received 6 : 30 p.m.]

47. Honduran Minister for Foreign Affairs received telegram May 12 from Colombian Minister for Foreign Affairs referring to the Italian notification of the annexation of Ethiopia and inviting a uniform reply of nonrecognition in accordance with the declaration of American states of August 3, 1932 and the second article of the Saavedra Lamas pact.

⁹² *Foreign Relations*, 1932, vol. v, p. 159.

Honduran Minister for Foreign Affairs would appreciate information regarding the attitude of the United States regarding such policy before answering the Colombian telegram. Please instruct me as to any statement that the Department desires to make.

GIBSON

765.84/4409

Memorandum by Mr. Eugene H. Dooman, of the Division of Far Eastern Affairs, of a Conversation With the Counselor of the Japanese Embassy (Yoshizawa)

[WASHINGTON,] May 13, 1936.

Mr. Yoshizawa read aloud in translation a telegram which, he said, had been received this morning by the Japanese Embassy from the Foreign Office at Tokyo. The telegram read substantially as follows:

The Italian Ambassador called on the Vice Minister for Foreign Affairs and read to him the recent Italian decree extending Italian sovereignty over Ethiopia. The Italian Ambassador then observed that he assumed that the Japanese Government recognized the sovereignty of Italy over Ethiopia. The Vice Minister replied that the matter would be taken under advisement by the Japanese Government.

The Embassy is directed to inquire as soon as practicable at the Department of State in regard to the attitude in the premises of the American Government, and to expedite its reply.

Mr. Yoshizawa asked Mr. Dooman whom he could call upon to make the inquiry which the Embassy had been directed by the Japanese Government to make. Mr. Dooman replied that, so far as he knew, no decision in the matter had been taken by the American Government, but that he was not at all conversant with the details. He said to Mr. Yoshizawa that he would endeavor to ascertain the officer in the Department upon whom Mr. Yoshizawa could most appropriately call in connection with the situation in Ethiopia. Mr. Yoshizawa called attention to the urgency of the matter and expressed the hope that Mr. Dooman would communicate with him in sufficient time for Mr. Yoshizawa to call at the Department again during the course of the day. Mr. Dooman stated that he would endeavor to reply as soon as possible.

As Mr. Yoshizawa rose to leave, he said with a smile that he assumed that "the Stimson Doctrine of non-recognition"⁹³ is still in effect", to which Mr. Dooman replied that he supposed that the Ethiopia situation is being followed with interest by the Japanese.

⁹³ See telegram No. 7, January 7, 1932, noon, to the Ambassador in Japan, *Foreign Relations, Japan, 1931-1941*, vol. I, p. 76.

765.84/4409

Memorandum by Mr. Eugene H. Dooman, of the Division of Far Eastern Affairs, of a Conversation With the Counselor of the Japanese Embassy (Yoshizawa)

[WASHINGTON,] May 14, 1936.

Mr. Dooman referred to the inquiry which Mr. Yoshizawa had made yesterday with regard to the identity of the officer of the Department whom he should see to inquire about the attitude of the American Government with regard to the situation arising out of the issuance of the Italian decree affirming the extension over Ethiopia of the sovereignty of Italy. Mr. Dooman also referred to the communication which he had made yesterday by telephone to Mr. Yoshizawa that the Department regards the Japanese Embassy's inquiry as having been made and that reply would be made in due course.

Mr. Dooman then stated that he had been directed to make to Mr. Yoshizawa an oral reply, and he read aloud to Mr. Yoshizawa a written statement, as follows:

The Italian Ambassador here called on the Secretary of State on May 12 and read to the Secretary the Italian decree to which the Japanese Embassy refers. The Secretary of State refrained from comment. This Government is observing developments in the situation with regard to which the Japanese Embassy inquires and will deal with practical questions relating thereto when and as they arise.

A copy of the written statement was then handed to Mr. Yoshizawa.

Mr. Yoshizawa thanked Mr. Dooman, and made no further reference to the Ethiopia situation.

765.84/4422: Telegram

The Minister in Nicaragua (Long) to the Secretary of State

MANAGUA, May 14, 1936—noon.

[Received 4:10 p.m.]

124. I have just received from the Minister for Foreign Affairs a copy of a telegram dated May 12 which he states was received by his office *en clair* from the Minister for Foreign Affairs of Colombia. A hurried translation of the message reads:

[Here follows message similar to note from the Colombian Chargé, No. 1188, May 13, page 231.]

Minister Arguello had planned to acknowledge the message and say that, Nicaragua being a signatory, she would respect the treaties but he indicated just now that he would delay the reply until he could

learn of our attitude so that all replies might be uniform. I will appreciate any information which the Department may desire that I pass on to Arguello.

LONG

765.84/4422 : Telegram

The Secretary of State to the Minister in Nicaragua (Long) ⁹⁴

WASHINGTON, May 14, 1936—6 p.m.

70. Your 124, May 14, noon. The Department received a note in the same sense from the Colombian Legation and replied orally that this Government has also been notified by the Italian Government of the annexation of Ethiopia; that it has refrained from replying to the Italian Government for the time being, and that it is carefully studying the situation and observing developments in order to ascertain with exactness and complete accuracy all pertinent facts.

You may inform the Nicaraguan Government of the foregoing.

HULL

765.84/4457

Memorandum by the Under Secretary of State (Phillips)

[WASHINGTON,] May 15, 1936.

The Chinese Ambassador called, under instructions, to inquire what action this Government proposed to take in reply to the Italian notification of the annexation of Ethiopia.

The Ambassador admitted that the interest of his Government was somewhat academic because of the fact that China had no material interest in Ethiopia; nevertheless, his Government was anxious to ascertain the views of the United States.

I replied that we had not, as yet, reached any decision with respect to this matter; we were still studying all the aspects of it, in Ethiopia itself, as well as the attitudes of other governments which have more immediate responsibilities in that part of the world; the situation was, as he would understand, still in a state of flux; we did not feel that any particular haste was required with regard to our action and that, therefore, we were proceeding to gather together all the information available on the entire subject.

WILLIAM PHILLIPS

⁹⁴ Substantially the same telegram to the Chargé in Honduras as Department's No. 28, May 14, 7 p.m.

765.84/4512

The Chargé in Italy (Kirk) to the Secretary of State

No. 1685

ROME, May 15, 1936.

[Received May 27.]

SIR: With reference to my telegram No. 147 of May 11th, paragraph 3, I have the honor to submit herewith translations of news items in the Italian press of May 9th and 12th reporting interviews granted to the Universal Service and the Vienna *Echo* by Ambassador Long with reference to Italy. The *Popolo di Roma* of May 13th conspicuously published a photograph of the Ambassador on its front page.

Respectfully yours,

ALEXANDER KIRK

[Enclosure]

*Translations of Reports in the Italian Press of Interviews of
Ambassador Long**Press of May 9, 1936:*

WASHINGTON, May 8th p.m.—The American Ambassador to Rome, Long, has granted an interview to the Universal Service in which he said he was convinced of the rapid and complete pacification of Ethiopia by Italian soldiers and colonists.

After affirming that the fertile soil of the Ethiopian highlands would give Italy valuable crops, Long said that his three years in Rome had convinced him that Italy had absolute need of colonies.

As to Italo-American relations, Long said: "The longstanding friendship between the two countries has been cemented by American neutrality in the Ethiopian affair. Italian cordiality toward the United States is not merely the expression of official circles but is also a matter of feeling."

Press of May 13, 1936:

VIENNA, May 12th: The *Echo* publishes an interview granted to its American correspondent by the American Ambassador to Rome, Breckinridge Long, at present in the United States.

The Ambassador expressed himself in terms of the highest recognition for the courage demonstrated by the Italian people toward the war and sanctions.

"Life in Italy," he said, "has changed much less than people insist on believing in various places abroad. The spirit of the country has not been shaken in the slightest. Even Mussolini personally has

never been in the least affected by the tension of the international situation. Mussolini never doubted that he would issue forth victorious, and he has won all along the line.

"Not only is the campaign in Abyssinia virtually over, but the diplomatic struggle at Geneva is decided. Fascism has enforced its will. There are no factors of any kind that can break that will. This victory has the value of a new guarantee for peace in Europe.

"Four months ago it indeed seemed that there were dangers of war everywhere. Now, however, the situation is cleared up and a relaxation of tension has therefore taken place. In my opinion there can no longer be any immediate possibility of war now that Italy can devote her full attention to the European situation."

The Ambassador said that there could be no doubt as to Italian sympathies for Austria, and the correspondent further receives from the conversation the impression that even American diplomacy is in a position to appreciate the importance of the problem of Austrian independence.

765.84/4479 : Telegram

The Ambassador in Brazil (Gibson) to the Secretary of State

RIO DE JANEIRO, May 21, 1936—11 a.m.

[Received May 21—9:40 a.m.]

128. Foreign Office would appreciate information as to character of reply Department contemplates making to circular communication from Italian Government announcing annexation of Abyssinia.

GIBSON

765.84/4508

Memorandum by the Chief of the Division of Western European Affairs (Dunn)

[WASHINGTON,] May 21, 1936.

The Counselor of the Italian Embassy came in this morning and said that he had been sent by the Ambassador to talk to me in a very frank and confidential manner about the situation in connection with the Italian occupation of Ethiopia and the decree of May 9 proclaiming the annexation of Ethiopia. He said that he would take the liberty of discussing the matter with me, although he realized that it might be difficult or even impossible for me to answer some of the questions he might put to me. He said he would understand perfectly if I were not able to answer him on any of the points he brought up.

He said that the Italian Government had received from the Canadian Government a simple acknowledgment of the Italian communication of the decree of May 9 and that the reply of the Argentine

Government to this communication was in the form of an acknowledgment and a statement that the Argentine Government made a reservation with respect to the attitude it would adopt toward the annexation of Ethiopia.

Rossi Longhi went on to say that the Italian Government had heard that the Government of Colombia had suggested to the American governments, including the United States, that all the American governments inform the Italian Government in reply to its notification of the decree of May 9th that in conformity with Article 2 of the Anti-War Treaty of October, 1933, the American governments would not recognize the taking over of Ethiopia by Italy. He said the Italian Government had also been informed that the Governments of Brazil and Peru had indicated to the Colombian Government that they were not prepared to take action along the lines suggested by Colombia and that the reply of the Government of Guatemala to the Government of Colombia, while indicating a disinclination to accede to the Colombian suggestion, was a rather more lengthy reply than those of Peru and Brazil.

The Counselor then asked me whether I could give him any information as to what the attitude of this Government would be toward the suggestion of the Colombian Government. I said that I was not prepared to give him any information with regard to the American attitude toward the recent developments in Ethiopia. I said that we had received inquiries from other governments as to what the attitude of this Government would be toward the situation and that in response to such inquiries we had stated that we were not prepared to give any expression of our views at this time; that we were receiving information continually and observing all the developments in connection with the situation, but that we were not in any position to give any expression whatever on the subject.

Rossi Longhi asked if that had been our reply to the Colombian Government. I said that our replies to any inquiries on the subject were uniformly in the sense as I had given it above.

The Counselor then asked if I could tell him anything about the Presidential Proclamation⁹⁵ and smilingly remarked that "the war is over." I told him I had nothing whatever to say on that subject. He then went on to say that the Italian Government felt that the situation as far as concerned the positions of the various European governments and their attitudes toward Italy had not become less favorable since the last meeting of the League Council, though it might not be correct to say that their attitudes were more favorable. The Italian Government hoped, however, that with the passing of a few weeks before the next meeting of the Council on June 16th the attitude of the

⁹⁵ See pp. 192 ff.

sanctionist Powers might improve and the Government felt that any action taken by the American States along the lines suggested by Colombia would only make the situation more difficult with particular regard to the effect that such action might have on the question of sanctions. I gathered that the Italian Government was most anxious that no action unfavorable to the Italian thesis be taken by the American States which might have a detrimental influence on its cause at Geneva.

Rossi Longhi, before leaving, suggested that he might come in from time to time to discuss these matters with me and asked me if I would be willing to allow him to keep in touch with me in that way in a frank and confidential discussion of this situation as it develops. I told him that I would be very glad to see him at any time and to have any information he might wish to give us.

JAMES CLEMENT DUNN

765.84/4479 : Telegram

The Acting Secretary of State to the Ambassador in Brazil (Gibson)

WASHINGTON, May 22, 1936—2 p.m.

72. Your 128, May 21, 11 a.m. This Government has received a note in the same sense from the Italian Government but has refrained from making any reply for the time being.

Please inform the Minister for Foreign Affairs that I appreciate his friendly courtesy in addressing this inquiry to this Government. You may further say that while this Government is, of course, mindful of all of its responsibilities and contractual obligations, it is limiting itself at this time to a careful study of the situation in order that the policy of this Government may be determined only after all pertinent facts have been ascertained with complete accuracy. For the time being, consequently, this Government will continue to observe developments. In conveying the foregoing to the Minister for Foreign Affairs, you may further state that this Government will be glad of the opportunity of consulting further with the Brazilian Government at a later date concerning this highly important question.

PHILLIPS

765.84/4542 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, May 31, 1936—10 a.m.

[Received 8 p.m.]

382. Decree issued by Governor General but text of which I have not yet received provides that in civil and criminal cases Italian sub-

jects and all other foreigners, being "on an equal footing as regards rights and duties", come under Italian law. In criminal cases they are tried by Italian judges and appeal lies to Court of Appeals in Rome.

Eritreans, Italian Somalis, and Libyans are subject to laws of their respective colonies. In penal cases they are tried by Civil Governor of Addis Ababa.

Ethiopian natives are tried according to prevailing local customs and by existing magistrates except that native Moslems are tried by Cadis and Ulemas who apply Sheri laws.

Whites who acquired Ethiopian nationality (for example Armenians, Greeks, Russians, etc.) are tried by the Civil Governor of Addis Ababa.

Full text of decree by mail as soon as obtained.

ENGERT

765.84/4613

*Memorandum by the Chief of the Division of Near Eastern Affairs
(Murray)*

[WASHINGTON,] June 1, 1936.

The decree to which Mr. Engert refers in the attached telegram,⁹⁶ if enforced, would of course be an invasion of the extraterritorial rights accorded American nationals in Ethiopia by Article 3 of the American-Ethiopian Treaty of June 27, 1914.⁹⁷ This Article reads as follows:

"The two contracting governments shall reciprocally grant to all citizens of the United States of America and to the citizens of Ethiopia all the advantages which they shall accord to the most favored Power in respect to customs duties, imposts and jurisdiction."

Inasmuch as the Franco-Ethiopian Treaty of January 10, 1908,⁹⁸ accords French nationals extraterritorial rights, we profit by the same treatment.

It seems to me that the first step to take is to ask Mr. Engert to keep us informed of developments and of any instructions which his colleagues may have sought or received. Depending upon the nature of the information which Mr. Engert sends us, we can consider at a later date the advisability of asking our Embassies in Paris and London to ascertain what the French and British Governments propose to do in this matter.

WALLACE MURRAY

⁹⁶ *Supra.*

⁹⁷ *Foreign Relations, 1920, vol. II, p. 243.*

⁹⁸ *British and Foreign State Papers, vol. CI, p. 997.*

765.84/4542 : Telegram

The Secretary of State to the Minister Resident in Ethiopia (Engert)

WASHINGTON, June 2, 1936—6 p.m.

262. Your 382, May 31, 10 a.m. As you realize, this decree if enforced would raise the whole question of extraterritorial rights in Ethiopia and of the treaties conferring those rights on certain foreign Powers. Under the circumstances please keep the Department promptly and fully informed of any instructions which your colleagues may seek or receive concerning this decree as well as any steps which may be taken to enforce it.

HULL

765.84/4609 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, June 8, 1936—9 a.m.

[Received 7:50 p.m.]

404. Department's 262, June 2. My colleagues have so far received no replies to requests for instructions. German Chargé d'Affaires informs me he has temporarily suspended consular court activities but the British and I feel there is no reason why we should not continue to exercise consular jurisdiction in all cases which do not require intervention of local authorities. On the other hand, the Special Tribunal⁹⁹ has, of course, ceased to function.

No American cases are pending in consular or special courts.

ENGERT

765.84/4638

Memorandum by the Chief of the Division of Near Eastern Affairs (Murray)

[WASHINGTON,] June 9, 1936.

The attached memorandum¹ discusses the attitude of the United States with respect to the termination of its extraterritorial jurisdiction in Eastern countries which have been annexed by, or placed under the protection of, great Powers.

It appears that in those cases where territory has been annexed outright, as in the case of Madagascar, Tripoli and Korea, we have abandoned our extraterritorial jurisdiction once we have been assured that the annexing Power has established proper courts or ex-

⁹⁹ See *Foreign Relations*, 1933, vol. II, pp. 851 ff.

¹ Not printed.

tended our treaty rights to the new territory. On the other hand, in those cases where the territory has merely come under the protection of a great Power, we have as a general rule continued to exercise our extraterritorial rights and have insisted upon a preservation of those rights until we surrendered them by treaty. Thus we continued to exercise our extraterritorial jurisdiction in Tunis long after that country became a French Protectorate and only surrendered our jurisdiction by treaty in 1904.² Similarly, our extraterritorial rights in the British Protectorate of Zanzibar continued until terminated by treaty in 1905.³

At the time of the annexation of Tripoli by Italy in 1912,⁴ Mr. Adee was careful, in replying to the request of the Italian Chargé d'Affaires at Washington that we address him a note "recognizing" the annexation, to explain that "the United States did not undertake to form a judgment looking to the recognition of *de jure* sovereignty" over annexed territories; that we "simply conformed to *de facto* conditions". Shortly thereafter, upon receiving notice from Italy that extraterritorial jurisdiction in Tripoli had been terminated, we instructed our diplomatic and consular officers to "conform to the legal situation thus established in Libya".

It might be argued, therefore, that our failure to protest the recent Italian decree extending Italian jurisdiction over American nationals (and other foreigners in Ethiopia) or its application to American nationals would *not* constitute *de jure* recognition of the Italian annexation of Ethiopia. However, our failure to protest might be interpreted as a recognition of the *de facto* conditions in Ethiopia.

From a purely practical point of view, and considering solely the question of the administration of justice to our nationals in Ethiopia, it is hardly to be doubted that Italian tribunals would be superior to those before which our nationals in Ethiopia have come hitherto.

In general, it may be said that no final decision can be made with respect to the question of our extraterritorial jurisdiction in Ethiopia until such time as a decision has been made with respect to our recognition of the Italian annexation. In the event such recognition takes place, it is assumed that a final termination of our extraterritorial rights would follow automatically.

WALLACE MURRAY

² Treaty between the United States and France, signed March 15, 1904, *Foreign Relations*, 1904, p. 304.

³ Treaty between the United States and Great Britain, signed February 25, 1905, *ibid.*, 1905, p. 485.

⁴ See *ibid.*, 1912, pp. 632-33, and *ibid.*, 1913, pp. 608-611.

765.84/4573 : Telegram

*The Acting Secretary of State to the Minister Resident in Ethiopia
(Engert)*

WASHINGTON, June 9, 1936—6 p.m.

269. The Chargé d'Affaires at Rome on June 4, 1936, reported⁵ a strictly confidential conversation with one of his colleagues who had had a discussion with Suvich. According to this source the Italians have not regarded the question of the recognition of Italian sovereignty over Ethiopia as of immediate importance and the impression was gained that the Italian Government had no intention at the time being to confront other Powers with necessity of making a declaration on this point. Apparently Italy was willing to permit the situation to continue for 6 months or more on the present basis, in the thought that *de facto* recognition might be established at the end of that time and that this might be followed in about a year by *de jure* recognition. The most obvious manner in which the question of recognition of Italian sovereignty over Ethiopia might be raised would be through the request by a foreign government for an exequatur for a consular officer in Ethiopia and possibly by the use of the title of Emperor in addressing letters of credence or other diplomatic documents to the King of Italy. Accordingly the question of whether the point would be raised might depend on some step taken by a foreign government rather than because of a demand by the Italian authorities which would have the effect of confronting other Powers with the necessity of a decision on the question of recognition.

PHILLIPS

701.6511/812 : Telegram

The Secretary of State to the Chargé in Italy (Kirk)

WASHINGTON, June 13, 1936—2 p.m.

67. Your 210, June 13, noon.⁶ Italian Ambassador yesterday asked *agrément* to appointment of Suvich as Ambassador here.

He then asked my opinion, entirely apart from request for *agrément* and for his personal information, whether appointment of a new Ambassador here would possibly raise any difficulty. I took this to mean the addition of the title "Emperor of Ethiopia" to that of the King of Italy. My informal expression of opinion to the Ambassador was that, with respect to the appointment of a new Ambassador here at the present time, we were not in a position to give consideration either favorably or unfavorably to any new phase involved in such

⁵ Telegram No. 193, June 4, 5 p.m.; not printed.

⁶ Not printed.

a proposed appointment. You will probably understand that this has reference to the addition of any new title to that of the King in the letters of credence.

HULL

123P54/283

Memorandum by the Under Secretary of State (Phillips)

[WASHINGTON,] June 15, 1936.

Having already communicated with the President over the telephone and receiving his approval, I sent for the Italian Ambassador this afternoon.

On entering the room the Ambassador told me that he regretted that he had no reply to the question which I asked him two weeks ago in regard to the question of the credentials of a new ambassador to Rome as a result of the new title of the King. I said that this was a matter concerning which I should like to make a further suggestion, which seemed necessary in view of the fact that his Government had just asked for the *agrément* of Mr. Suvich as Ambassador to the United States and because of the fact that announcement of this fact had already been made in Rome.

I told Mr. Rosso that I had already advised the President of his (Rosso's) transfer and that the President had expressed very deep regret, a sentiment which we all shared. However, we now had to consider simultaneously the question of accrediting a new ambassador to Rome and a new Italian Ambassador to Washington; it was evident, in view of the two weeks delay in answering our first question, that the Italian Government was seriously embarrassed. The suggestion, therefore, which I wished to make was with a view to removing all embarrassment on both sides and was to the effect that this Government would accredit the new American Ambassador to "His Majesty the King of Italy, etc. etc." or to "His Majesty the King of Italy and possessions beyond the seas". Mr. Rosso seemed to think that this suggestion might meet the situation and promised to telegraph at once to Rome for an expression of their views. I urged no further delay because I did not want it to appear that we were holding up on the Italian request for the *agrément* for Mr. Suvich.

WILLIAM PHILLIPS

701.6511/813: Telegram

The Chargé in Italy (Kirk) to the Secretary of State

ROME, June 16, 1936—7 p.m.
[Received June 16—3:20 p.m.]

214. Department's 67, June 13, 2 p.m. The matter of the requirements of the addition of the title of Emperor to that of King of Italy

in the case of letters of credence has recently been discussed in diplomatic circles here with special reference to the appointment of a new Chilean Ambassador and Egyptian Minister and the belief has been generally expressed in those circles that the use of the two titles would be required by the Italian authorities. In the last day or two Foreign Office officials have brought up this matter in informal conversation and have said that they are trying to find some solution. They maintain that there is no intention to raise in this way the question of the recognition of Italian sovereignty over Ethiopia but that the decree law of May 14, see my despatch No. 1693, May 21,⁷ and telegram 178, May 26, 7 p.m.,⁸ provides for the use of both titles in all formal acts in the name of the King and consequently those titles should appear on the documents relating to the appointment of Italian ambassadors or ministers. It was intimated, however, that these considerations need not necessarily apply in the case of the appointment of foreign representatives but this was merely an individual opinion expressed in the course of conversations.

I was given to understand that there was no intention to hasten Rosso's departure from Washington for his new post at Moscow.

KIRK

701.6511/813: Telegram

The Secretary of State to the Chargé in Italy (Kirk)

WASHINGTON, June 17, 1936—2 p.m.

69. Your 214, June 16, 7 p.m. In addition to the question of the appointment of Suvich as Ambassador here, we have been discussing with the Italian Ambassador the matter of the appointment of a new Ambassador at Rome when such an appointment should become necessary. Please discuss both these questions with the Foreign Office informally along the following lines:

Endeavor to confirm your understanding that there will be no objection on the part of the Italian Government to the accrediting of a new Ambassador by the President to the King of Italy when the post at Rome becomes vacant.

You may further say that there would be no objection to receiving an Ambassador accredited to the President by the King of Italy with the addition of any other titles provided for by Italian law provided it is understood that in accepting letters of credence in any new form this Government is not giving any consideration whatever either favorably or unfavorably to any new questions involved in such an appointment.

Please expedite your report on these questions.

HULL

⁷ Not printed.

⁸ *Ante*, p. 201.

701.6511/815 : Telegram

The Chargé in Italy (Kirk) to the Secretary of State

ROME, June 18, 1936—7 p.m.

[Received 8:25 p.m.]

217. My 216, June 18, noon.⁹ I discussed at the Foreign Office this afternoon the matter of the use of titles in the case of letters of credence along the lines of the Department's 69, June 17, 2 p. m. and was told that although the matter was being studied no decision had yet been reached. It was suggested, however, that pending a decision as to a solution the *agrément* of Suvich be granted by the American Government and I was told that the Italian Government for its part would accord the *agrément* of a new Ambassador to Rome when such an appointment should become necessary. In this connection I was told that the Soviet Government had given its approval of Rosso's appointment to Moscow on this basis. I was also assured that the Italian Government had no intention of involving a question of recognition of Italian sovereignty over Ethiopia in the matter of the addition of the title of Emperor to that of King of Italy in letters of credence.

I was given no indication of the nature of the solution to be reached and was unable to obtain any definite statement as to whether letters of credence addressed to the King of Italy only would be accepted. I was told that the same question was involved and being studied in the case of the appointment of a new Chilean Ambassador and Egyptian Minister whose letters were in the above form. On the other hand, the letters of the new Austrian Minister who has just arrived are addressed to King and Emperor.

KIRK

701.6511/817a : Telegram

The Secretary of State to the Chargé in Italy (Kirk)

WASHINGTON, June 19, 1936—3 p.m.

70. Your 217, June 18, 7 p.m. On June 1 we informed the Italian Ambassador here that the President was considering the appointment of a new Ambassador to Rome and that we desired information as to whether any question would be raised if his letters of credence were in exactly the same form as those of the present Ambassador, namely, addressed to the King of Italy. Since informally presenting this question to Rosso, the Italian Government has asked for the *agrément* of Mr. Suvich as Ambassador here.

⁹ Not printed.

Although we feel there will be no difficulty regarding Suvich's letters of credence since, from your telegram under reference, there is no intention on the part of the Italian Government to involve any question of recognition of sovereignty over Ethiopia in the matter of an additional title of the King of Italy, we would prefer to have the question of the form of the President's letter of credence of a new Ambassador decided before giving final consideration to the *agrément* of Mr. Suvich.

You will understand that the whole question would be simplified for us by the acceptance of letters from the President to the King of Italy in the same form as presented by Mr. Long.

HULL

701.6511/818 : Telegram

The Chargé in Italy (Kirk) to the Secretary of State

ROME, June 20, 1936—noon.
[Received June 20—8:30 a.m.]

221. My 217, June 18, 7 p.m., and Department's 70, June 19, 3 p.m. I understand from Foreign Office that the Italian Government will accept letters of credence addressed to the "King of Italy" but proposes to add the title "Emperor of Ethiopia" in the credentials of Italian representatives. This latter formula it is said has been accepted by the Polish and Soviet Governments in the case of the credentials of the new Italian Ambassadors to those countries. I have been in constant communication with the Foreign Office in regard to this matter and have an appointment there this afternoon when I expect to receive a definite statement.

KIRK

701.6511/818b : Telegram

The Acting Secretary of State to the Minister Resident in Ethiopia (Engert)

WASHINGTON, June 23, 1936—5 p.m.

284. In connection with the appointment of a new Italian Ambassador here and the possible appointment of a new American Ambassador at Rome when that post might become vacant, the question has arisen as to the use of the King of Italy's titles in letters of credence. This matter has been discussed both with the Italian Ambassador here and with the Foreign Office at Rome. It was pointed out to the Ambassador that there would be no objection to receiving an Ambassador accredited to the President by the King of Italy with the addition of any other titles provided for by Italian law, provided

it was understood that in accepting such letters of credence in any new form this Government was not giving any consideration whatever, either favorably or unfavorably, to any new question involved in such appointment.

The American Chargé d'Affaires at Rome learned from the Foreign Office on June 20 that the Italian Government would accept letters of credence addressed to the "King of Italy", but that it proposes to add the title "Emperor of Ethiopia" in the credentials of Italian diplomatic representatives to foreign countries. The Chargé d'Affaires was told at the same time that the latter term would not be given an interpretation involving considerations affecting the questions of recognition. On June 22 the Chargé d'Affaires reported that letters of credence presented to the King on the preceding day by the new Turkish, Austrian, Egyptian and Haitian Ministers had been addressed to "His Majesty Victor Emmanuel III, King of Italy" but that he was informed the letters had been accepted in the name of the King and Emperor.

The President yesterday signified his approval of the appointment of Signor Suvich as the new Italian Ambassador at Washington. It will be clear from the above paragraphs that this *agrément* involves in no way the question of recognition of Italian sovereignty over Ethiopia.

PHILLIPS

701.0084/24 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, June 25, 1936—9 a.m.

[Received 5:30 p.m.]

438. Legation's June 24.¹⁰ Departure of British and Belgian Ministers and Japanese Chargé as well as the German Minister must be looked upon as a definite move in the direction of withdrawal of diplomatic representations from Addis Ababa. None of the Chiefs of Mission of course expects to return and the Italian Government has apparently refused to permit any diplomatic officer to enter into Ethiopia for the purpose of assuming charge as recently British, Belgian, and Japanese secretaries have been unable to obtain visas to come here. The Japanese has already been waiting in Djibouti for 10 days and the Chargé informed me before his departure that Tokyo was not inclined to press the matter. The result is that the Belgian and Japanese Legations are now in the hands of Chargés des Affaires only.

The Greek Minister Resident was on leave when the Italians occupied the capital and will not return.

ENGERT

¹⁰ Not printed.

865D.01/155a : Telegram

The Secretary of State to the Chargé in Germany (Mayer)

WASHINGTON, August 1, 1936—noon.

99. In connection with the announcement made last week that the German Government had reduced its representation at Addis Ababa from a legation to a consulate general, several American newspapers reported that this action was equivalent to official recognition of the *de facto* situation in Ethiopia. The *New York Evening Post*, however, published a report emanating from Berlin and categorically denying that the German action was open to such interpretation.

Any information you can discreetly obtain regarding the significance of the German action, particularly as to whether it was intended to constitute recognition of the *de facto* situation in Ethiopia will be appreciated.

HULL

865D.01/156 : Telegram

The Chargé in Germany (Mayer) to the Secretary of State

BERLIN, August 5, 1936—1 p.m.

[Received August 5—10:10 a.m.]

243. Department's telegram No. 99, August 1, noon; Embassy's despatch 2961, July 29.¹¹ Foreign Office states that change from Legation to Consulate General at Addis Ababa constitutes *de facto* recognition of the situation in Ethiopia. Foreign Office indicated as one of the bases for this action Eden's statement in the House of Commons a short time ago that Abyssinian Government no longer existed. This agreed with the actual facts which the German Government consider it simpler to recognize as facilitating the better protection of German commercial interests in Abyssinia. Action involved no *quid pro quo* from Italy.

See paragraph 6 my 219, July 15, 1 p.m.¹²

Foreign Office further told me in confidence that it was quite prepared to recognize the situation in Ethiopia *de jure* and had so intimated to the Italian Government some weeks ago. Mussolini however had not felt there was any pressing necessity for *de jure* recognition and the Germans had naturally let the matter drop. They were however prepared to accord *de jure* recognition if and when desirable. Foreign Office added that as a matter of fact when the necessary law was passed in Germany for the creation of a Consulate General at Addis Ababa, which would be shortly, the exequatur would to all

¹¹ Latter not printed.

¹² Vol. I, p. 322.

intents and purposes constitute *de jure* recognition. Commenting briefly on question of nonrecognition of Manchukuo Foreign Office felt that the two situations were not comparable. For one thing China still existed as a government whereas Abyssinia did not. Therefore no implications of recognition of Manchukuo arise from the Abyssinian matter.

Cipher copies by airmail to London, Paris, Rome.

MAYER

701.6511/854

Memorandum by the Chief of the Division of Western European Affairs (Dunn)

[WASHINGTON,] October 29, 1936.

Various ministers have called here to inquire as to the circumstances of our recent exchange of new ambassadors with Italy—specifically whether, in making this exchange, we referred to the King of Italy as “Emperor of Ethiopia”.

We have replied, orally in every instance, that the exchange of new ambassadors and their letters of credence changed in no way the relations between the United States and Italy, and that no new questions arose as a result thereof. We have informed them that Mr. Phillips’ letters of credence were addressed to the “King of Italy” and that Mr. Suvich’s letters to the President were from the “King of Italy and Emperor of Ethiopia”. But this, we emphasized, constituted no change in the relations between the two countries.

We have not informed these ministers who have called of the agreement with the Italian Government whereby no question of recognizing Italian dominion over Ethiopia would arise as a consequence of the action in exchanging ambassadors. We have not made any written communication to any government in connection with this matter.

You¹³ may, therefore, wish to call in the Minister of Panama and inform him orally of the situation or instruct our Chargé d’Affaires ad interim in Panama to convey this information orally to the Secretary of State for Foreign Relations.

J[AMES] C[LEMENT] D[UNN]

865D.01/193

Memorandum by the Chief of the Division of Near Eastern Affairs (Murray)

[WASHINGTON,] November 2, 1936.

The Italian Ambassador called on me by appointment on October 30 in the following connection:

¹³ This memorandum was routed to the Division of Latin American Affairs.

Mr. Suvich said that at the time of Germany's recognition of Italian conquest of Ethiopia he had noticed certain comment in the American press to the effect that Germany's action need not and would not constitute in any way a precedent for similar action by this Government. The press comment went on to say, however, that Latin-American countries would undoubtedly be guided by the viewpoint in this matter of the American Government.

The Ambassador desired to inquire informally whether any "understanding" existed between this Government and the governments of Latin-America with respect to the recognition of the Italian conquest. He added that his Government hoped that a question of this kind would be decided independently by the various countries of this hemisphere.

In reply I remarked to the Ambassador that speculation by news writers in the American press should not of course be taken as necessarily reflecting authoritative opinion. Furthermore, that the press report itself appears to have commented only on the alleged viewpoint of Latin-American countries in this matter and did not purport to interpret this Government's views. As regards any "understanding" on this subject between this Government and other governments of Latin-America, referred to by the Ambassador, I stated that I was not aware of any such development and was sure that none existed.

WALLACE MURRAY

701.6518/7: Telegram

The Chargé in Costa Rica (Collins) to the Secretary of State

SAN JOSÉ, November 2, 1936—noon.

[Received 3 p.m.]

63. In strictest confidence Ministry of Foreign Affairs has communicated to me orally and informally that it apprehends that new Italian Minister now on the way to San José may present credentials implying the imperial sovereignty of the King of Italy over Abyssinia. The Costa Rican Government would be greatly aided in meeting such eventuality if it had intimation whether and how we have met it and if we have not met it how it might be met assuming Costa Rica disposed to identify itself with our attitude toward conquest of Abyssinia.

I would request by telegraph such indications as the Department may care to give for confidential oral communication to the acting Minister of Foreign Affairs.

COLLINS

701.6518/7 : Telegram

The Secretary of State to the Chargé in Costa Rica (Collins)

WASHINGTON, November 5, 1936—4 p.m.

46. Your 63, November 2, 12 noon. In reply to various inquiries from resident diplomatic representatives in connection with recent exchange of Ambassadors with Italy Department has stated orally that Ambassador Phillips' letter of credence was addressed only to "King of Italy" while that of Ambassador Suvich was from "King of Italy and Emperor of Ethiopia". Department has emphasized that the latter's reception does not raise any new question concerning the relationship between the United States and Italy. No written communication has been made by the Department to any Government in connection with the foregoing.

You may communicate the above orally to the Minister for Foreign Affairs.

HULL

865D.01/218 : Telegram

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

ROME, December 7, 1936—7 p.m.

[Received December 7—4:09 p.m.]

512. The British Ambassador called today evidently for the purpose of asking for information with respect to a change of personnel in Addis Ababa presumably basing his inquiry upon a press report from Washington published here to the effect that Hughes is being transferred to Addis Ababa as Consul General.¹⁴ Upon being informed of the Department's views he proceeded to tell me the situation with regard to British representation there. He said that all the smaller powers in Europe were pressing the British Government to come to some sort of an understanding with Italy concerning Ethiopia in the interests of general European peace and that his Government have now under consideration a change from diplomatic to purely consular representation. In his opinion this might well occur before the end of the present year. He added that discussions were being carried on now between London and Paris with this in view.

Drummond¹⁵ said that while any step taken by the British Government would undoubtedly be qualified by a statement that it did not constitute "de jure" recognition it would nevertheless amount to

¹⁴ See pp. 330 ff.

¹⁵ Sir Eric Drummond, British Ambassador in Italy.

"de facto" recognition. He admitted that he had discussed the matter with Count Ciano and that he had made it very clear that the British decision bore no relations whatsoever to the conversations now being carried on with respect to a Mediterranean accord.¹⁶

The Ambassador was hopeful as to the success of these Mediterranean discussions. The accord he thought would be general in nature and would follow the lines of Eden's speech of November 6th. The only probable addition might be the inclusion of a reference to the desire of both Governments to maintain the *status quo* in the Mediterranean.

PHILLIPS

701.4184/57: Telegram

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

ROME, December 22, 1936—noon.
[Received December 22—8:10 a.m.]

543. My 538, December 19, noon.¹⁷ An official communiqué this morning announces that the British Ambassador and French Chargé d'Affaires have informed the Italian Minister for Foreign Affairs of their Governments' decisions to withdraw their Legations in Addis Ababa and replace them by Consulates General.

The newspapers comment that the above action constitutes recognition of a *de facto* situation which carries more weight than any juridical or procedural reservation. They also insist that a revision of public opinion has made such action not only possible but necessary.

PHILLIPS

701.4184/61

The British Embassy to the Department of State

AIDE-MÉMOIRE

On December 21st His Majesty's Ambassador at Rome communicated to the Italian Government the decision of His Majesty's Government in the United Kingdom to withdraw the British Legation at Addis Ababa and to substitute for it a Consulate-General. At the same time he asked for assurances from the Italian Government that British consular officers in Abyssinia would be accorded all customary privileges including that of communicating freely (e. g. in cypher) with their government and with each other, consulate bags being exempted from customs and all other examination. This was agreed

¹⁶ See telegram No. 553, December 29, noon, from the Ambassador in Italy, vol. II, section entitled "The Spanish Civil War: International Political Aspects."

¹⁷ Not printed.

to. Sir Eric Drummond also asked that the new British Consulate-General at Addis Ababa and the Consulate at Harrar should continue to use their wireless sets for reception purposes. To this Count Ciano agreed, subject to a reservation of the Italian right to reexamine the question in the future, when for instance other questions relating to Abyssinia might be under discussion, or when improved conditions in the country justified such reconsideration.

Sir Eric Drummond explained that His Majesty's Government in the United Kingdom had been proceeding on the assumption that exequaturs would be both necessary and desirable to confirm the status of the Consuls, and consequently they intended to apply to the Italian Government therefor, though on the distinct understanding that such action would not be interpreted as *de jure* recognition of the Italian annexation of Abyssinia. Count Ciano answered that he fully appreciated His Majesty's Government's reserve, and assured Sir Eric Drummond that the question of *de jure* recognition would not arise.

In adopting the view that the application for exequaturs would not involve *de jure* recognition of the Italian annexation of Abyssinia His Majesty's Government were influenced (a) by the precedent of neutral consuls who, it is stated, during the German occupation of Belgium were granted exequaturs by the German Government without this presumably committing their government to anything more than recognition of the Germans as in *de facto* control of the country and (b) by the fact that in an unofficial conversation last July the Italian Minister for Foreign Affairs told His Majesty's Chargé d'Affaires at Rome that he could give an assurance that the reduction of the Legation would not be regarded by the Italian Government or press as involving recognition. Furthermore, with regard to the recent agreement between Italy and Japan, resulting in the reduction of the Japanese Legation at Addis Ababa to a Consulate-General, His Majesty's Government's latest information indicates, notwithstanding Italian press comment to the contrary, that this is not held by the Japanese to imply *de jure* recognition of the new Empire on the part of Japan. Finally when the Greek Minister at Rome recently communicated to the Italian Government the decision of the Greek Government to establish a Consulate-General at Addis Ababa, and asked for an exequatur for the Consul-General, the Italian Under-Secretary of State for Foreign Affairs told him that "this action constituted a *de facto* recognition of Italian occupation". Since then His Majesty's Government have learnt that the Greek Government contemplate going one step further and recognising the Italian conquest of Abyssinia.

It is realised that the action which has now been taken by His Majesty's Government involves *de facto* recognition of the Italian Government as the government of the parts of Abyssinia which they control, but this is no more than the recognition of facts which

indisputably exist, and His Majesty's Principal Secretary of State for Foreign Affairs would be prepared to state both to the Italian Government and, if necessary, in the House of Commons, that such is the attitude of His Majesty's Government. It is appreciated that in practice the distinction between such recognition and *de jure* recognition is small, though for political reasons it may still be desirable to retain it.

WASHINGTON, December 23, 1936.

VI. Protection of the Legation Staff in Addis Ababa, and of American Missionaries in Ethiopia

765.84/4236 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, May 2, 1936—9 a.m.

[Received 3 : 15 p.m.]

261. Apparently Government left during the night. Empress with daughters and Prince Makonnen by train for Djibouti understand en route to Jerusalem. Emperor's destination unknown. Spencer¹⁸ and Lambies¹⁹ did not accompany the Government.

As soon as news of the departure of Government became known looting began in town which is continuing. There is a great deal of firing but mostly in the air. I shall await developments in the Legation for the present.

ENGERT

765.84/4243 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, May 2, 1936—11 a.m.

[Received 3 : 55 p.m.]

263. Situation in the city evidently rapidly getting out of hand. Police protection has broken down and most shops have been looted. Much firing on all sides and although no specifically anti-foreign demonstrations circulation in streets extremely hazardous. The authorities seem to have distributed large quantities of rifles and ammunition with the idea that Addis Ababa would be defended but when the Government disappeared these arms became a menace in the hands of irresponsible persons.

ENGERT

¹⁸ John H. Spencer, an American citizen who was Adviser to the Ethiopian Ministry of Foreign Affairs.

¹⁹ Dr. and Mrs. T. A. Lambie. Dr. Lambie was Executive Secretary of the Ethiopian Red Cross.

765.84/4232 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, May 2, 1936—5 p.m.

[Received May 2—3 : 40 p.m.]

265. Center of town is now burning fiercely including Post Office. Deafening noise from incessant firing even in immediate vicinity of Legation but no shots fired into our compound. Some danger from ricochet bullets of which three hit our buildings and we are keeping under cover as much as possible.

Vice Consul Cramp's house was sacked while he was at the Legation and he has lost practically everything. Fate of Vice Consul Hunter's belongings not yet known. Both now staying at Legation.

Thirty Greeks and six Russians, men, women and children, have just sought refuge in this Legation and I am sheltering and feeding them temporarily as they could not safely reach any of the other Legations.

ENGERT

384.11/125 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, May 2, 1936—8 p.m.

[Received May 2—4 : 27 p.m.]

266. Messenger I sent to Seventh Day Adventist and American Missions returned at 6 p.m. with notes from both saying all well and apparently in no imminent danger. Have been unable communicate with Sudan Interior Mission but as they are long way from town have no reason to believe they have been molested.

Much drunkenness is reported as a result of looting of liquor supplies. Several dead bodies have been seen and numerous wounded but so far I have heard of no victims among foreigners.

ENGERT

765.84/4233 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, May 2, 1936—11 p.m.

[Received May 2—4 : 37 p.m.]

267. Fire is spreading but fortunately not in direction of Legation. Thousands of natives have all day long been quietly evacuating the city. It would appear that most of the damage was done by comparatively few rowdy elements who could easily have been held in check by a small police force in the beginning.

It is almost inevitable that a report should be circulating that the Ethiopian Government had decided to destroy the capital rather than turn it over to the Italians but I do not credit it.

Shall send no further bulletins until tomorrow morning unless the Legation should be in danger.

ENGERT

765.84/4260a : Telegram

The Secretary of State to the Minister Resident in Ethiopia (Engert)

WASHINGTON, May 2, 1936.

176. Your telegrams 259-267, inclusive.²⁰ I deeply appreciate the prompt and detailed information you are furnishing us regarding the present situation in Addis Ababa.

I am confident that you are taking every possible precaution for the safety of all American nationals in the city and that you will earnestly impress upon them the importance of their running no unnecessary risks and of committing no act that would involve their Government.

Navy Department has issued instructions to Radio Cavite and Radio Addis Ababa regarding new schedule between those stations.

HULL

384.11/124 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, May 3, 1936—10 a.m.

[Received May 3—6:02 a.m.]

269. My 268.²¹ With cooperation of British Legation which provided two trucks in charge of Vice Consul Trapman the following were safely removed to British Legation this morning: Mrs. Bergman and two children, Mr. and Mrs. Hansen, two Swedish and two Norwegian nurses. Dr. Stadin will probably follow later. Dr. Bergman states he prefers to remain at hospital.

ENGERT

²⁰ Telegrams Nos. 260, 262, and 264 not printed; for No. 259, see p. 63.

²¹ Not printed.

384.11/126 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, May 3, 1936—5 p.m.

[Received May 3—1:45 p.m.]

274. My messenger has just returned from Sudan Interior Mission at Furi and reports everybody well and safe. There seems to have been a little anxiety for a while but nothing serious happened.

Although messenger was unable to get through to American Mission Gullali because of heavy firing, I believe I would have heard if they were in trouble as the mission is comparatively near the Legation. However, the fact that he could not get through and that just then an Abyssinian child was shot down near our front gate and a mob was reported to be approaching made it seem wise to send message to British Legation to send trucks at least for evacuation of Greeks and Russians, 4 Armenian girls and some 15 British Somalis who had joined them since yesterday. This was done and I believe they reached British Legation safely thus relieving my mind of a great burden as our food supplies were totally insufficient for such large numbers and I could not have afforded them real protection in case of serious trouble.

ENGERT

124.84/57 : Telegram

*The Secretary of State to the Minister Resident in Ethiopia
(Engert)*

WASHINGTON, May 3, 1936.

179. Your 275, May 3, 7 p.m.²² In view of the exposed position of our Legation and the difficulty experienced by the British military in rescuing the personnel and nationals at the Turkish Legation, I consider that you have acted wisely and in harmony with my telegraphic instruction No. 176 of May 2 in making preliminary arrangements with the British Legation for evacuating our entire Legation if necessary.

While we are relying fully on your judgment as to the action that may seem advisable to you in the present emergency, you should bear in mind that the Department would not wish you or those now at the Legation to jeopardize your lives merely for the sake of remaining there. Considerations of safety should at all times be controlling.

HULL

²² Not printed.

384.11/127: Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, May 3, 1936—11 p.m.

[Received May 3—8:30 p.m.]

276. British Legation very kindly sent not only three trucks but Consul Hope Gill, Military Attaché Taylor, and Captain Keene in command of 15 Sikhs of their Legation Guard. After obtaining from them latest information regarding general situation I decided to evacuate women and children only.

Following therefore left 1 p.m. for British Legation in two trucks escorted by the Sikhs: Misses Dommermuth, French, and Shippey with an adopted child; my two children and their governess; Clerk Fidele, British subject, wife and two children; family of our Amharic scribe, Ato Yohanness; and Weeks, colored American. Mrs. Engert desired to remain at the Legation to encourage other native servants whose family live in the compound and I consented.

With Cramp, Hunter, and our four radiomen, all of whom have shown admirable courage and coolness, I expect to be able to hold the Legation against anything but an organized attack from different directions. Following Americans are also assisting: Spencer, Ames, and Du Berrier, as well as Clerk, Hartman, a white Russian, Angelopoulos, Greek, representing International News, and a Czechoslovakian in my employ. Among us we have 9 rifles, 2 shotguns, and 10 revolvers with fair amount of ammunition. I feel very strongly, and my companions agree with me, that we should not abandon the Legation and radio station without determined effort to hold them as they would certainly be pillaged and burnt after our departure.

Should situation become much worse, which I do not anticipate, the Department may depend on my withdrawing before it is too late. The British have left us a truck for that purpose.

Several fresh fires have started in town but the Legation is not threatened by them. Shooting has been less intense during last hour or so.

Shall report again in the morning via Cavite.

ENGERT

124.84/58: Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, May 4, 1936—10 a.m.

[Received May 4—8:20 a.m.]

279. First definite attempt to gain access to the Legation was made by a band of marauders this morning. Between 8:45 and 9 a. m. they suddenly attacked our two widely separated back gates with heavy

rifle fire from behind trees and fences, peppering with bullets back yards where Mrs. Engert and Spencer happened to be standing at the moment. Unfortunately as the early morning had been comparatively quiet, Cramp had volunteered to go by car to Seventh Day Adventist hospital some 2 miles from here to see if he could be of assistance and also to have an infected hand of radioman Anslo attended to. In view of somewhat hazardous nature of journey he took with him Chief Radioman Tanner, my chauffeur, my two native Legation guards and five rifles. And as two newspapermen and Du Berrier had left at 6 a. m. to try locate Italians, we were a rather depleted garrison. It is extremely likely that bandits had been watching departures since last night and concluded place had been practically evacuated.

However, thanks to loyalty of our native servants including cooks who at once rushed to defend gates with only a few revolvers, spears and swords until the rest of us arrived with pistols and shotguns, we made much greater show of numbers than attackers expected. After brisk exchange of shots in course of which at least one bandit was either killed or wounded they were driven off.

I cannot speak too highly of my comrades who grasped at once the importance of energetic action. Pitts, Cavannah and Hunter, without waiting for orders, rushed fearlessly to take up strategic positions while Hartman and Spencer showed fine sense of discipline and cooperation. Whole incident proves again that a few armed white men can easily hold their own provided opponents are not in overwhelming numbers. I am particularly encouraged by attitude of our native help mentioned above which I confess I had not expected in an emergency.

However, I am informing British Legation of what happened and if situation does not improve shall act in accordance with letter and spirit of your 179, May 3.

ENGERT

765.84/4239 : Telegram

*The Secretary of State to the Chargé in Italy (Kirk)*²³

WASHINGTON, May 4, 1936—2 p.m.

37. Your 121, May 4, 10 a.m.²⁴ On the assumption that the Italian Government is aware of the serious situation now prevailing in Addis Ababa and the danger in which foreign residents find themselves since the Ethiopian Government has disappeared or ceased to function as a result of the Italian military advance, you should inquire without delay of the Italian Government what steps it is taking to meet its

²³ Text transmitted on same date to the Minister Resident in Ethiopia as Department's telegram No. 185.

²⁴ *Ante*, p. 67.

responsibility to protect, as far as possible, the lives of foreigners in the Ethiopian capital, and when it may be expected that Italian forces will reach that city for that purpose.

For your information, in taking this step you should be careful to convey the impression that you are making no request or much less asking for any favors of the Italian Government. You are merely inquiring as to whether the Italian Government is prepared to assume its inescapable responsibilities in the light of the situation which it has created.

HULL

124.84/57 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, May 4, 1936—3 p.m.

[Received May 4—9:35 a.m.]

282. Two messengers I sent to British Legation today could not get through. As communication with that Legation is essential if we are to remain here please communicate immediately via London my request to Sir Sidney Barton, British Minister here, that he get in touch with me. Kindly state also that with the assistance of a few Sikhs and one Lewis gun we could hold this Legation if Italians arrive within few days. I feel it would be a great pity to be obliged to abandon it and radio to certain destruction after holding it for 3 strenuous days. Please acknowledge receipt.

ENGERT

124.84/57 : Telegram

The Secretary of State to the Minister Resident in Ethiopia (Engert)

WASHINGTON, May 4, 1936.

182. Your 282, May 4, 3 p.m. Can you not communicate with British Legation by radio?

HULL

124.84/59 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, May 4, 1936—5 p.m.

[Received May 4—10:25 a. m.]

283. Situation is getting worse. Several direct shots have been fired at the Legation buildings including radio station since this morning and two native women in our servants' quarters have been seriously wounded.

ENGERT

124.84/59

*Memorandum by the Chief of the Division of Near Eastern Affairs
(Murray)*

[WASHINGTON,] May 4, 1936.

Immediately upon receipt of Mr. Engert's telegram No. 282 of May 4, 3 p.m., I put in a long distance call for Ambassador Bingham in London and read to him (at 10:30 a.m.) Mr. Engert's telegram.

I requested the Ambassador to communicate Mr. Engert's message at once by telephone to the Foreign Office and stated that I would hold the long distance wire until he could give me their reply.

Long distance communications were meanwhile broken and the Ambassador was not able to reach me again until 11:15 a.m. He then informed me that he had gotten into immediate telephone communication with the British Permanent Under Secretary, Sir Robert Vansittart, who informed him that the British Government had received no communications thus far today from Sir Sidney Barton, the British Minister at Addis Ababa. Sir Robert stated, however, that an immediate effort would be made to communicate Mr. Engert's message to Sir Sidney by radio and that he would inform the Ambassador at once of the results.

I then read to the Ambassador Mr. Engert's later telegram No. 283 of May 4, 5 p.m., and asked him to communicate it at once to Sir Robert for communication by radio to Sir Sidney Barton.

I requested the Ambassador to keep us advised, by the quickest means, of any further information that he might receive from the British Government. This the Ambassador promised to do.

WALLACE MURRAY

124.84/60 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, May 4, 1936—8:30 p.m.

[Received May 4—1:40 p.m.]

284. Many thanks for your 180 and 181.²⁵ Hope the Department is not unduly alarmed but we would so much like to save the Legation if at all possible.

Reference your 182, inter-Legation radio communications were being arranged but unexpectedly sudden outbreak of disturbances prevented completion.

ENGERT

²⁵ Neither printed.

124.84/61 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, May 4, 1936—11 p.m.

[Received May 4—4:06 p.m.]

285. British Legation was apparently unable to get in touch with us. Feel confident we can at least hold out until tomorrow as the situation has not changed for the worse since this afternoon. Owing to rain perhaps even slightly improved. Government buildings of old Ghibbi appear to be on fire.

My staff behaving splendidly despite great strain.

ENGERT

124.84/63 : Telegram

The Ambassador in the United Kingdom (Bingham) to the Secretary of State

LONDON, May 4, 1936—midnight.

[Received May 4—5:55 p.m.]

245. For Murray from the Ambassador. Since your telephone call ²⁸ the Foreign Office received a telegram from the British Minister at Addis Ababa the substance which follows:

The British Minister is unable to spare any men or guns for the defence of the American Legation which is 5 miles away and outside any defence scheme and the British Legation has already had to send a detachment of their guard to protect the Belgian Legation whose occupation by the rioters would endanger the British Legation. The British Legation has barely enough to ensure the defence for 1200 refugees of whom very few can be used as volunteers. The American Legation was visited by an armed convoy from the British Legation last night and offered evacuation which was refused except for their women.

BINGHAM

124.84/64 : Telegram

The Ambassador in the United Kingdom (Bingham) to the Secretary of State

LONDON, May 4, 1936—midnight.

[Received May 4—6:05 p.m.]

246. For Murray from the Ambassador. My 245. Foreign Office offers to telegraph British Legation to send another armed convoy to evacuate entire American Legation. Shall I ask Foreign Office to do so?

BINGHAM

²⁸ See memorandum by the Chief of the Division of Near Eastern Affairs, p. 261.

124.84/64 : Telegram

*The Secretary of State to the Ambassador in the United Kingdom
(Bingham)*

WASHINGTON, May 4, 1936.

146. Your 246, May 4, midnight, to Murray. You should inform the Foreign Office at once that this Government accepts with appreciation the offer to instruct the British Legation at Addis Ababa to send a convoy to evacuate the entire American Legation.

Engert is being so informed.

Please keep the Department fully and promptly informed of all further developments.

HULL

765.84/4277a : Telegram

The Secretary of State to the Minister Resident in Ethiopia (Engert)

WASHINGTON, May 4, 1936.

187. Reports from Rome are conflicting in detail as to exact progress of Italian troops and contain no precise information as to entrance into Addis Ababa, but it is generally said Badoglio will arrive there tomorrow.

HULL

124.84/64 : Telegram

The Secretary of State to the Minister Resident in Ethiopia (Engert)

WASHINGTON, May 4, 1936.

190. We now have word from London that British Legation is unable to furnish permanent guard for your Legation. However, Foreign Office has agreed to telegraph Barton to send convoy to evacuate you and other occupants of the Legation. This offer has been accepted and in view of the ever increasing danger of the situation I urge you to take advantage of the opportunity afforded you.

We are proud of the courage and resourcefulness shown by all of you in defending the Legation, but your safety is now the paramount factor and you should have no hesitancy in leaving as soon as the convoy reaches you.

HULL

124.84/62 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, May 5, 1936—3 a. m.

[Received May 4—8:49 p. m.]

287. Your 189²⁷ and 190. The night has so far been exceptionally calm and if report in your 187 is even approximately correct, we

²⁷ Not printed.

all feel we should not evacuate. British Legation has so far not got in touch with me, but if, after consultation with officer who would presumably accompany convoy, I consider that there is no other alternative I shall not hesitate to act in accordance with your suggestion.

ENGERT

124.84/67 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, May 5, 1936— 6 a. m.

[Received May 4—11 : 25 p. m.]

288. Nothing has happened since my 287 to alter views expressed then. There is still some firing but much less than this time yesterday and we are in no immediate danger.

Much appreciate your repeating to me message in your 185²⁸ which is admirably worded.

ENGERT

124.84/65 : Telegram

The Ambassador in the United Kingdom (Bingham) to the Secretary of State

LONDON, May 5, 1936.

[Received May 5—5 : 35 a. m.]

United States Legation safely evacuated.

BINGHAM

765.84/4269 : Telegram

The Chargé in Italy (Kirk) to the Secretary of State

ROME, May 5, 1936—noon.

[Received May 5—9 : 25 a.m.]

125. Department's No. 37, May 4. I have just called by appointment on the Director for Political Affairs at the Foreign Office and have requested information as to the steps which the Royal Government is adopting to meet its responsibility to protect the lives of foreigners in Addis Ababa and as to when the Italian forces may be expected to reach Addis Ababa in order to render such protection. In making this inquiry I emphasized the fact that I was requesting information solely as to whether the Italian authorities were prepared to meet the responsibilities which they are called upon to discharge as a result of the situation which they have created.

²⁸ See footnote 23, p. 259.

I was informed that Italian troops were hastening the occupation of Addis Ababa and that as soon as the city was occupied all possible measures would be taken to protect the lives and property of foreigners in accordance with the rules of war. I was also told that exact information as to when the Italian troops might be expected to enter the city was not known but that it was believed to be only a question of hours and that in the meanwhile Italian aeroplanes were flying over the city in order to dispel bands of marauders and to render all possible protection to foreigners.

I desire to add that when in the course of the conversation I referred to the situation in Addis Ababa as a consequence of the disappearance of the Ethiopian Government as a result of the Italian military advance, the Foreign Office official countered with the statement that the Italians had not attacked Addis Ababa and that the rioting there could have been prevented if the Negus in departing had left a police force to preserve order in the city. I gathered the impression therefore that, although the Italian Government will take all possible steps to protect the lives of foreigners in Addis Ababa, there is a probability that it would not admit the responsibility for the creation of the situation of danger itself prevailing there. If, therefore, this point should be further clarified please instruct. I am seeing Suvich on another matter at 6:30 this afternoon.

KIRK

124.84/75a : Telegram

*The Secretary of State to the Ambassador in the United Kingdom
(Bingham)*

WASHINGTON, May 5, 1936—2 p.m.

148. Your 249, May 5, 5 p.m.²⁹ and earlier telegrams. Please express to the Foreign Office and through it to Sir Sidney Barton our sincere appreciation for the prompt and effective assistance rendered in the evacuation of the American Legation at Addis Ababa.³⁰

Please endeavor to keep us promptly advised of developments at Addis Ababa. In this connection we hope it will be possible for Barton to transmit to us through Foreign Office and your Embassy brief reports from Engert from time to time.

HULL

²⁹ Not printed.

³⁰ For the official British account of these disturbances, see British Cmd. 5213, Ethiopia No. 5 (1936): *Reports and Correspondence Regarding the Rescue and Relief of British and Foreign Nationals at Addis Ababa During the Disturbances of May 2-6, 1936.*

124.84/69 : Telegram

The Consul at Addis Ababa (Cramp) to the Secretary of State

ADDIS ABABA, May 5, 1936—6 p.m.

[Received May 5—2:10 p.m.]

289. Entire Legation white personnel evacuated by British convoy this morning at 9:30. Italians arrived 4 p. m. I reoccupied the Legation with Tanner, Anslow and Cavannah at 5 p. m. Everything untouched. The Minister and rest of personnel remaining at British Legation until tomorrow.

CRAMP

124.84/71 : Telegram

The Consul at Addis Ababa (Cramp) to the Secretary of State

ADDIS ABABA, May 5, 1936—11 p.m.

[Received May 5—6:35 p.m.]

292. Suddenly at about 10:20 p.m., the Legation was fired upon from behind the fences on the northern side. The entire quarter began a continuous firing and the Legation personnel concentrated a heavy return fire on the side of the attack. After about 5 minutes the attackers retired.

As it would appear that the Italian troops have not occupied this side of the town and are probably more than a mile away in its center, I have decided to request an armed guard for the Legation for the night and am sending a car heavily armed to the city headquarters.

At present this quarter is fairly quiet.

CRAMP

124.84/72 : Telegram

The Consul at Addis Ababa (Cramp) to the Secretary of State

ADDIS ABABA, May 6, 1936—1 a.m.

[Received May 5—8:05 p.m.]

293. Italian headquarters at palace have sent me captain, lieutenant, and 50 men. Have had them placed outside Legation compound. They inform me nearest occupying force $6\frac{1}{4}$ miles away. Also that between 25 and 30 thousand Italians here so that by morning the situation will be entirely under control. The city is now calm with only an occasional shot.

CRAMP

124.84/73 : Telegram

The Consul at Addis Ababa (Cramp) to the Secretary of State

ADDIS ABABA, May 6, 1936—6 a.m.

[Received May 5—11:45 p.m.]

296. The Italian guard has left, having taken a number of rifles from natives in the neighborhood who had been firing during the night. I expect the Minister early this morning.

CRAMP

124.84/76 : Telegram

The Secretary of State to the Minister Resident in Ethiopia (Engert)

WASHINGTON, May 6, 1936—7 p.m.

199. Your 297, May 6, 9 a.m.³¹ I fully appreciate the circumstances under which you left Legation and I consider that you acted quite in accordance with your instructions.

HULL

[These disturbances in Addis Ababa led Congresswoman Edith Nourse Rogers to introduce a resolution (H. R. 504), May 6, 1936, requesting the Secretary of State to transmit to the House of Representatives information relating to the protection of the American Legation in Addis Ababa. (*Congressional Record*, volume 80, part 6, page 6764.) This resolution was referred to the Committee on Foreign Affairs. The Secretary of State sent a full letter of explanation to the Chairman of the Committee on Foreign Affairs (McReynolds), May 11, 1936, enclosing with it all telegrams pertaining to the situation in Addis Ababa for the period from May 2d to May 6th. After hearings in executive session, the Committee reported out the resolution with a recommendation that it not be passed. (See House Report No. 2661; see also Department of State, *Press Releases*, May 9, 1936, page 405, and May 16, 1936, page 441.)]

384.11/146 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, May 14, 1936—10 a.m.

[Received 4:22 p.m.]

339. As it has so far proved impossible to obtain reliable information regarding the welfare of American citizens in the interior, I am

³¹ Not printed.

sending trustworthy runners to the principal centers with letter from me asking them to reply by the same messengers regarding their safety and plans.

Most of our missionaries are located in the south and southwest, i. e., areas which Italian forces may not reach for weeks or months. I have not even been able to obtain news of one American citizen at Debra Markos and two at Lalibella although both localities are in Italian occupied territory.

Two New Zealand women of the Sudan Interior Mission at Gogetti, some 70 miles due south of Addis Ababa, are reported to be in danger and the British Legation is taking up with the Italian authorities question of their protection or evacuation. No Americans at their stations.

ENGERT

765.84/4404 : Telegram

The Secretary of State to the Minister Resident in Ethiopia (Engert)

WASHINGTON, May 14, 1936—2 p.m.

227. One of our representatives in Europe has been informed by an excellent source that Italian authorities have requested the withdrawal of the military guard at the British Legation and that this request would probably be acceded to since Italian authorities have undertaken to preserve order in Addis Ababa. It is added that as soon as British Minister is convinced that proper protection is being given to British interests, the British diplomatic mission would presumably be replaced by a consular office.

HULL

701.4184/30 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, May 27, 1936—11 a.m.

[Received 4:37 p.m.]

374. Legation's 334, May 12,³² and Department's 227, May 14. I learn that British and French Governments have both declined to comply with Italian request that their respective legation guards be withdrawn as they do not yet consider local situation sufficiently settled to warrant it.

ENGERT

³² Not printed.

765.84/4793 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, July 6, 1936—11 p.m.

[Received July 7—2:08 p.m.]

455. My 454 of tonight.³³ Impression gained from my interview is that the Italians are exceedingly nervous regarding the local situation and especially their ability to hold Addis Ababa during the rainy season. Communications with Dessie have largely been impossible for a week and the railway is by no means well protected. Airfield just outside the city is reported to have been attacked last night. A few days ago Graziani^{33a} said to the British Chargé "I sometimes feel like Gordon in Khartum" and in reply to a question said he had no objection to the British Legation extending its defense system to areas beyond its own compound.

ENGERT

765.84/4812 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, July 8, 1936—11 a.m.

[Received 9:58 p.m.]

459. Legation's 455, July 6. No trains have arrived or left since July 5th. I am reliably though not officially informed that about 3 kilometers of the railway line were destroyed by an Abyssinian band this side of Mojo and killing Italian guard of 40 men at Addas some 25 miles from here.

ENGERT

384.11/174 : Telegram (part air)

The Consul at Cairo (Richards) to the Secretary of State

CAIRO, July 8, 1936—noon.

[Received July 13—4:45 a.m.]

Information received from British Consul, Gore, Abyssinia, through British Residency Cairo, communications are restored Sudan Interior Mission at Jimma and at Agaro and that all missionaries are safe.

RICHARDS

³³ *Post*, p. 296.

^{33a} Marshal Rodolfo Graziani, Italian Governor General in Ethiopia.

765.84/4812 : Telegram

The Secretary of State to the Minister Resident in Ethiopia (Engert)

WASHINGTON, July 14, 1936—5 p.m.

308. Your 455, July 6, 11 p. m., 458, July 8, 10 a. m., and 459, July 8, 11 a. m.³⁴ In view of the situation described in above telegrams the Department would like to have your considered views on the following points:

1. Do you consider that the Italian military authorities are in a position to afford the Legation adequate protection at this time and in any circumstances that are likely to arise in the future?

2. If adequate protection is doubtful would it be possible to obtain from the Italian authorities rifles, machine guns and ammunition?

3. Is the Department correct in assuming that the Legation has in its employ an adequate number of guards? If not, please furnish estimate of cost of employing requisite number.

4. Is the Department correct in understanding that although you have agreed not to send radio messages your equipment is in such shape that you could without delay transmit messages in the event a crisis should develop similar to that which occurred on May 4?

5. Are your food supplies adequate or would it be desirable to request the Navy Department to make an additional shipment?

6. In your opinion would it be desirable or otherwise for the Department to instruct the Embassy at Rome to take up at this time with Italian authorities the question of furnishing protection for the Legation?

7. Please furnish any other comments and suggestions which would assist the Department in its efforts to see that the Legation and its personnel shall be thoroughly and adequately protected.

HULL

765.84/4860 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, July 16, 1936—9 a.m.

[Received July 18—1:45 p.m.³⁵]

476. Your 308, July 14. The Department's thoughtfulness is much appreciated. I had naturally already made a close study of the situation but found it so obscure that definite conclusions seemed difficult. However, the following is my considered opinion in the light of the information available to me at the present moment:

(1) About 2 or 3 weeks ago the Italians felt decidedly alarmed lest their comparatively small garrison in Addis Ababa be completely invested. Had an Ethiopian force of say 10,000 men been then within

³⁴ No. 458 not printed.³⁵ Telegram in three sections.

striking distance it is extremely likely that the city would have had to be abandoned and with the railway cut it might well have ended in disaster. Not much protection could under such circumstances have been expected from the Italians.

(2) The realization of the danger has had a salutary effect upon the Italian rulers. They are now believed to have a whole division guarding the railway between here and Diredawa and the first train since July first left yesterday heavily guarded. Severe punitive measures by the air force against villages within 50 miles of the section which had been cut are expected to have a deterrent effect. Local garrison is gradually to be increased to a full division and artillery has been placed on neighboring hills. Several relatively clear days have permitted aerial reconnaissance which is said to have reported absence of any large bodies of natives.

(3) Clandestine infiltration of small bands into the city and their combining with certain resolute elements in the city to start a general uprising is not impossible but it would require a considerable amount of organizing in great secrecy. I believe the Italians could now successfully cope with such an eventuality unless they are utterly demoralized by the events reported in my recent telegrams and not necessarily events of which I have not been able to obtain sufficient confirmation.

(4) Whenever in my opinion a local uprising threatens I shall of course at once demand as a matter of right that at least 50 men with machine guns be detailed to guard this Legation. This should be adequate except in the event of a complete rout which I do not anticipate.

(5) While the Italians would doubtless be willing to lend me some arms and ammunition these would be useful only if we increased the number of our own native guards. That I am not prepared to do at this time as it would be dangerous to introduce into our compound men of unknown courage and loyalty. The few men we now have in our employ have at least proved dependable.

(6) Incredible though it may seem the six rifles and pistols and ammunition which the Department sent out last March are still at Djibouti. As they were not accompanied by export license the French authorities made difficulties and the Italians considered the importation of arms for legations no longer necessary. However, everything is about to be straightened out and the arms should be here before the end of the month.

(7) Inasmuch as the British have definitely informed me that in the event of renewed disorders they would not be able to send out any of the squadron either as guards or even as convoys to any but British nationals, we could not count on them if this Legation should

again have to be evacuated. But as both the British and French Legations—the latter now also has a guard of 60 French soldiers—would be quite willing to receive and protect any Americans who can get there unaided, this particular problem would now be largely one of transportation. The Department will recall that the British not only brought several trucks every time they came to this Legation during the last troubles but even left one for us to use independently. I, therefore, beg to suggest that I be authorized to hire a truck for the duration of the present emergency or even to purchase an inexpensive second hand one should none be available for hire. I consider this more important than additional guards or arms.

(8) As a further emergency measure, it might perhaps be advisable to try to obtain an option on renting the Belgian Legation which now stands empty. We only have a month to month lease on our present premises and as the owners are a semi-governmental institution, the Italians may bring pressure on them to terminate it. Belgian Legation is very desirable property and, being next on the border to the British Legation, forms part of the British defense system and could thus afford protection to the entire American colony. Belgian Chargé des Affaires lives in town and tells me his Government would probably have no objection to subletting to us temporarily but he does not know precisely what arrangements it has with the Russian Government which is the owner. I feel it would be worthwhile making informal inquiries through our Embassy in Brussels and we could, of course, assure the Belgian Government that in an emergency we should be glad to give shelter to the few Belgian subjects who are here.

(9) Our radio station can be used for transmission at a moment's notice and in a critical situation I shall not hesitate to do so and inform the Italians afterwards.

(10) Although I and family have sufficient imported food supplies, my staff and radio personnel would appreciate another shipment from the Navy Department. Details will be furnished in a separate telegram.

(11) For the present I do not think it necessary or desirable that the Italian Government be approached with a view to obtaining protection for this Legation, because Rome would immediately conclude that I had sent in alarming reports which in turn would render my relations with Graziani more difficult. Should local authorities seem reluctant to comply with reasonable requests for protection I shall not fail to avail myself of the Department's offer.

(12) In conclusion, I venture to suggest that the Department place a sum not to exceed \$500 at my disposal, in addition to approximately not more than an equal amount that may be required under

paragraph 7 above, to be used in the most practical manner for the protection of the Legation and American colony should a fresh crisis arise.

ENGERT

124.841/29 : Telegram

The Secretary of State to the Ambassador in Belgium (Morris)

WASHINGTON, July 20, 1936—6 p.m.

24. Minister Resident at Addis Ababa has suggested possibility of subleasing temporarily Belgian Legation now unoccupied. Belgian Government leases building from Soviet Government. Please inquire whether Belgian Government would be willing to sublease and if so on what terms and whether it would be necessary for us to consult Soviet Government.

HULL

765.84/4860 : Telegram

The Secretary of State to the Minister Resident in Ethiopia (Engert)

WASHINGTON, July 21, 1936—5 p.m.

316. Your 476, July 16, 9 a. m., paragraph 6.

(1) Please keep the Department advised regarding arrival of arms and ammunition from Djibouti. If you have any reason to believe that there will be further delay in their delivery the Department will take up the matter at Paris and Rome with a view to making necessary arrangements.

(2) Department appreciates the difficulty involved in introducing into the Legation compound additional guards of unproved loyalty. However, would not your defensive strength be greatly increased by a few machine guns which might either be sent out from here or be borrowed from the Italian authorities? In submitting your comments on this point please bear in mind the adverse criticism to which the Department was subjected last May for not having furnished the Legation with machine guns.³⁶

(3) In short, the Department is desirous of taking every possible precaution with a view to preventing the Legation staff and American nationals in Addis Ababa from again being subjected to such a situation as occurred early in May. To this end the question of subletting the Belgian Legation has been taken up at Brussels. Pending the receipt of a reply of which you will be advised please telegraph the earliest date on which you could cancel the lease on the present Legation.

HULL

³⁶ See bracketed note, p. 267.

124.841/30 : Telegram

The Chargé in Belgium (Sussdorff) to the Secretary of State

BRUSSELS, July 22, 1936—6 p.m.

[Received July 22—2:30 p.m.]

56. Department's 24, July 20, 6 p.m. Belgian Foreign Office has informed me that the Belgian Government regrets that it is not in a position to sublease its legation quarters at Addis Ababa. This property belonged to the Czarist Government of Russia and was confiscated by the Ethiopian Government after the Bolshevik revolution. The Belgian Government rents the property from the Negus and its present 3-year lease which expires on January 1, 1938, contains a clause allowing the Negus to cancel it at any time upon 3 months' notice. This clause was introduced in view of the possibility of a recognition of the Soviet Government by Ethiopia. In view of the above facts Belgian Foreign Office states that it would be impossible both from a technical and legal standpoint to sublease the property and it would also be awkward for the Belgian Government from a political point of view because its subleasing of the property would probably be construed as an acquiescence in the Italian desire regarding the withdrawal of foreign missions from Ethiopia. The Belgian Government does not wish to appear to be the first government to take such action.

SUSSDORFF

124.841/30 : Telegram

The Secretary of State to the Chargé in Belgium (Sussdorff)

WASHINGTON, July 24, 1936—8 p.m.

27. Your 56, July 22, 6 p.m. Please discuss this matter again with the Foreign Office and urge reconsideration in the light of the following information.

The present American Legation is situated in a different quarter of the city from other foreign legations and is in a particularly exposed position. Our information indicates that during the present rainy season there may be a recrudescence of attacks on foreigners with resulting danger to the staff of our Legation and American nationals in general. The Belgian Legation, which is now unoccupied, is located next to the British Legation and within the defense system of the latter. Accordingly if the Belgian Government does not feel justified in considering subleasing for an extended term, which the Department would prefer, it might be willing to sublease for a period of 3 months by which time the rains will have ceased and the protection of foreigners become less difficult.

Use your best endeavors to persuade the Foreign Office that such a temporary lease would not raise the difficulties which were envisaged in your telegram under reference.

HULL

765.84/4938 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, July 27, 1936—noon.

[Received July 31—8:15 p.m.]

497. Rifle fire in the neighborhood of the Legation started at about 11 a.m. and a few minutes later a stray bullet came through the roof of our Chancery and lodged in the wall behind clerk Fidele's chair. Had he been sitting at his desk at that moment he would almost certainly have been hit.

Firing in the immediate vicinity of this Legation seems totally unnecessary and I am making urgent representations to the authorities to put a stop to it.

There is no indication of an organized large scale attack on the city and the sporadic outbreaks here and there could easily be dealt with if the Italians did not lose their heads so easily.

ENGERT

124.841/34 : Telegram

The Secretary of State to the Minister Resident in Ethiopia (Engert)

WASHINGTON, July 27, 1936—6 p.m.

324. Department's 321, July 24, 8 p.m.³⁷ Embassy at Brussels now reports that the Belgian Government will be glad to permit your Legation to occupy the building of the Belgian Legation for at least 3 months without the payment of any rental. Belgian Government, however, is unable to guarantee that you can occupy the Legation for a longer period. Furthermore it requests that you reserve two rooms for Belgian archives and that the shield of the Belgian Legation and the Belgian flag also be displayed somewhere on the property in order to avoid the assumption that Belgium is withdrawing its diplomatic mission from Ethiopia and thereby according recognition to Italian annexation.

Please submit your comments and a revised estimate as to the cost of moving.

HULL

³⁷ Not printed.

124.841/37 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, July 29, 1936—3 p.m.

[Received July 30—12:20 p.m.]

499. Have just been to Belgian and British Legations. Small battle has been raging less than 1 mile from there for 26 hours and, despite use of artillery, Italians have been unable to dislodge Abyssinian force of some 2,000 men who are said to be surrounded.

As both Legations are entirely exposed to stray shots I am convinced it would be unwise to move to the Belgian Legation at this time.

ENGERT

765.84/4931 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, July 30, 1936—11 a.m.

[Received 1:20 p.m.]

501. Italian authorities inform me that the Ethiopian bands which yesterday and the day before attacked the city have been successfully beaten off with a loss of about a thousand in killed and wounded. Local population remained calm and did not assist the enemy but Coptic Bishop Petros was found guilty of complicity and was publicly executed yesterday afternoon. I am assured that the city is no longer in any danger and that all necessary measures have been taken for the adequate protection of this Legation and of the American institutions.

ENGERT

765.84/4931 : Telegram

The Secretary of State to the Minister Resident in Ethiopia (Engert)

WASHINGTON, July 30, 1936—6 p.m.

327. Your 499, July 29, 3 p.m. and 501, July 30, 11 a.m. I should like to receive immediately your detailed comments and recommendations in reply to the Department's 321, July 24, 8 p.m.³⁸ and 324, July 27, 6 p.m., also reply to second paragraph of Department's 316, July 21, 5 p.m.

On the assumption that the danger described in your 499, July 29, 3 p.m. no longer exists, I feel strongly that you should move into Belgian Legation at earliest possible moment and as soon as necessary

³⁸ Not printed.

arrangements can be made. In this connection I again stress the fact that the safety of the Legation personnel and of American nationals must take precedence over all other considerations. For that reason I require your recommendations urgently while you still have confidential means of communication which presumably may be terminated without notice.

If you move to Belgian Legation will you still need funds referred to in paragraphs 7 and 12 of your 476, July 16, 9 a.m.?

HULL

765.84/4940 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, July 31, 1936—10 a.m.

[Received August 1—12:30 p.m.]

502. Department's 327, July 30.

(1) My 501 July 30, 11 a.m. represents gist of the official Italian version of recent events which I sent *en clair* in order to show the Marshal that I am reporting truthfully. In view of his request mentioned in my 498, July 28,³⁹ I do not wish to send too many or too lengthy cipher messages for this privilege, as the Department correctly assumes, might at any time be withdrawn.

(2) As the Italian story by no means gives the entire picture, I am still of the opinion that the Belgian Legation would at the present moment offer no advantage over ours. A Sikh guardsman recently received stray bullet through his hand in the British Legation compound. So long as fighting continues all foreigners are in danger but our Legation is just now less exposed than others.

(3) Move to the Belgian Legation would be advisable chiefly if natives in the city should rise against the Italians. Events of the last few days indicate that if that should occur it is now much less likely to succeed. But fighting on the outskirts may intermittently take place throughout the rainy season.

(4) By obtaining permission to occupy Belgian Legation, the Department has done all that under existing circumstances is possible for our protection and we are most grateful. Ultimate decision as to whether or when the move should be made must necessarily be left in my hands and will depend on developments which may vary from day to day. Department may rest assured that we shall avoid all unnecessary risks.

ENGERT

³⁹ *Post*, p. 305.

765.84/4949 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, August 4, 1936—9 p.m.

[Received August 4—8:30 p. m.]

508. Referring to the first paragraph of the Department's 316, July 21, 5 p.m., the French Minister has announced to me that the Governor of French Somaliland finds himself in an embarrassing position. He is not by law empowered to allow any arms to be shipped to Ethiopia unless authorization of "Ethiopian Government" has first been obtained. Permit by Italian authorities in occupation cannot be substituted and he has consistently refused all requests for transit of arms and munitions from every source. He fears that if he made one exception he would have to make others as the Italians have repeatedly asked for special consideration as regards shotguns, revolvers, etc., of a non-military character but he has declined in every instance.

As the French Minister could offer no suggestion regarding a way out of the difficulty, it is possible that if our Embassy in Paris took the matter up, the French Government may discover some technical point under which the shipment could in our judgment be permitted to go forward.

ENGERT

124.841/38 : Telegram

The Secretary of State to the Minister Resident in Ethiopia (Engert)

WASHINGTON, August 4, 1936—7 p.m.

329. Your 502, July 31, 10 a. m., and your 503, July 31, 11 a.m.⁴⁰

1. As has been repeatedly pointed out to you, the Department is most anxious that every precaution possible to safeguard the legation staff and American nationals in Addis Ababa shall be taken by you. It recognizes of course that the decision whether or when to move to the Belgian Legation must be left with you and it is counting in this situation on your assurance that all unnecessary risks will be avoided.

2. Is the Department correct in assuming that you are requesting only an emergency fund of \$500 and \$20 a month for an additional guard and that provision need not be made for an additional \$500 for the purchase of a truck and for a further sum to cover the cost of possible removal to the Belgian Legation?

3. The Department is still awaiting your reply to the second paragraph of its telegram No. 316, July 21, 5 p.m. It is also anxious to know what news you have of the shipment of arms and ammunition that was delayed at Djibouti.

HULL

⁴⁰ Latter not printed.

811.24 Ordnance/358 : Telegram

The Acting Secretary of State to the Ambassador in France (Straus)

WASHINGTON, August 7, 1936—noon.

295. (1) Last March the Department shipped 6 rifles, 6 pistols and 600 rounds of ammunition, together with gas masks, saddles, etc., for use by our Legation at Addis Ababa. It now appears that this shipment has been held at Djibouti by the French authorities for several months.

(2) As the Department is most anxious to provide the Legation at Addis Ababa with means of self-protection in case of need you should make urgent representations to the French Government for the issuance of orders which will facilitate the immediate forwarding of the shipment to Engert.

(3) For your confidential information, the French Minister at Addis Ababa has explained the delay as follows:

The Governor of French Somaliland is not by law empowered to allow any arms to be shipped to Ethiopia unless authorization of "Ethiopian Government" has first been obtained. Permit by Italian authorities in occupation cannot be substituted and the Governor has consistently refused all requests for transit of arms and munitions from every source. The Governor fears that if he made one exception he would have to make others as the Italians have repeatedly asked for special consideration as regards shotguns, revolvers, etc., of a non-military character, but he has declined in every instance.

(4) The Department assumes that the difficulty cited by the Governor of French Somaliland relates to the treaty of August 21, 1930,⁴¹ regulating the importation into Ethiopia of arms, ammunition and implements of war. As this agreement specifies that its purpose is to "insure an effective supervision over the trade in arms and munitions" for the "preservation of internal order", the Department is of the opinion that its provisions should not be applied to arms destined for the defense of the American Legation against possible internal disturbances. The Department is strengthened in this view by the exemptions provided in Article 15 in favor of arms dispatched to the forces of the signatory powers wherever located. If necessary you may bring the contents of this paragraph to the attention of the French authorities.

Please keep the Department promptly informed of developments.

PHILLIPS

⁴¹ Signed at Paris by Great Britain, France, Italy, and Ethiopia; for text, see *British and Foreign State Papers*, vol. CXXXIV, p. 332.

765.84/4949 : Telegram

*The Acting Secretary of State to the Minister Resident in Ethiopia
(Engert)*

WASHINGTON, August 13, 1936—5 p.m.

337. Your 508, August 4, 9 a.m. The Paris Embassy reports that the matter was taken up with the Foreign Office on August 8 and that the Foreign Office has now replied that they are at a loss to understand why the shipment was held up and that the Ministry of Colonies has been requested to telegraph the necessary instructions to the Governor of French Somaliland for the forwarding of the shipment to you.

Please keep the Department promptly informed of developments.

PHILLIPS

765.84/4949 : Telegram

*The Acting Secretary of State to the Minister Resident in Ethiopia
(Engert)*

WASHINGTON, August 14, 1936—6 p.m.

338. Department's 337, August 13, 5 p.m. A further telegram from the Paris Embassy states that the French Foreign Office has suggested that you take up with the Italian high command the question of avoiding any difficulty regarding the importation of the shipment into Ethiopia.

If any objections are raised by the Italian authorities please report.

PHILLIPS

765.84/5008 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, August 28, 1936—7 a.m.

[Received 6:35 p.m.]

535. Department's 338, August 14, 6 p.m. Italian authorities assured me 6 weeks ago that they had no objection whatever and that instruction to that effect had gone to Djibouti. Upon receipt of your telegram I have again inquired and received the same assurances. I then telegraphed our Consular Agent in Djibouti that both the French and the Italian authorities would permit the shipment to go forward but so far it has not been received.

ENGERT

765.84/5010 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, August 28, 1936—9 a.m.

[Received 7:24 p.m.]

533. After a lull of several weeks Abyssinian armed forces have recently resumed activities in the neighborhood of the capital. Dur-

ing the night, August 26 to 27, the local flying field was attacked by a band belonging to Dejazmatch Baltcha's troops. They were driven off but the Italians are said to have lost about 40 men in killed and an equal number wounded. Early yesterday morning a fresh attack was believed in preparation and from half past 5 until 7 a.m. Italian artillery shelled area south of airfield and vicinity of Sudan Interior Mission and [apparent omission].

It is rumored that Baltcha has a force of some 3,000 men and that he will soon attack the city from the south while Aberra and Imru will renew their attacks from the west and northeast.

Despite unstrung [*unsatisfactory?*] flying conditions Italians soaring planes from Diredawa continue to reconnoiter and bomb environs of Addis Ababa. Two of them recently were either brought down by rifle fire or crashed accidentally killing their 13 occupants.

The local situation is quiet and the Italians have erected numerous stone parapets with barbed wire throughout the city to guard against a possible native uprising. I have asked for and received 10 Italian rifles and ammunition but shall not request machine guns until I feel the situation warrants having an Italian guard quartered in our compound.

ENGERT

765.84/5009 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, August 28, 1936—7 p.m.

[Received August 28—6:46 p.m.]

536. I have been officially informed that a band of some 1500 Ethiopians attacked the local aerodrome night before last but were defeated. Ethiopian casualties were about 200 while the Italian native troops lost 15 killed and about 40 wounded.

ENGERT

765.84/5012 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, August 29, 1936—11 a.m.

[Received 1:40 p.m.]

538. According to reliable information received this morning Italian losses in the fighting on August 26 and 27 were far more serious than what is the general impression in my 533 and 536 August 28. Sudan Interior Mission which was relatively near scene of action learned from an Italian Askari that a force of over 300 Askaris was ambushed some 5 miles from the airfield and was completely annihilated. Another small force which went to its assistance lost nearly half of its men before it could extricate itself.

I am told that by way of retaliation bombing planes have been instructed to wipe out all villages within 30 miles of the aerodrome.

I have warned the members of the Sudan Interior Mission of the danger but they prefer to stay where they are. I have, therefore, again requested Italian Headquarters to do everything possible for their protection and this has been promised.

ENGERT

384.11/193 : Telegram

*The Secretary of State to the Minister Resident in Ethiopia
(Engert)*

WASHINGTON, September 11, 1936—6 p.m.

350. The following is a paraphrase of a confidential telegram of September 9, 1936, from the Embassy at London: ⁴³

It is stated by the Foreign Office that after the most careful consideration and interchange of views with Captain Erskine, the British Consul at Gore, the British High Commissioner in Egypt and the authorities in the Sudan, a decision has been reached to evacuate Captain Erskine to Gambela where for the time being he will set up his Consulate, the British having a Sudanese guard stationed at that place and having effective control of this region. The British reached this decision in spite of the disadvantages of withdrawing the British Consul from Gore since he has a certain amount of influence with the local native leaders and is the only reliable source of information. However, they believe that if Captain Erskine remains at Gore any longer he may be cut off from any chance later of escaping to Gambela and his life would be seriously endangered. It is realized by the British that any possibility of reliable communication with the foreigners, including Americans, in the Cambato district will no longer exist when the Consulate at Gore is closed. Prior to reaching the decision to withdraw Captain Erskine the British had carefully examined the possibility of his immediate evacuation by air in a moment of crisis, but on the basis of what they believe to be expert information, they have been compelled to the conclusion that it would be entirely impracticable to evacuate him by air from Gore. The British therefore are not willing to let Captain Erskine remain at Gore in danger of his life merely for the purpose of obtaining precarious information when conditions of chaos outside of Gore make it impossible for him to render to the foreigners in that area any effective assistance.

It was further indicated by the Foreign Office that their information is to the effect that conditions are appalling generally in Western Ethiopia, there being no effective control of any description or semblance of government. The British for months have been urging that their remaining nationals depart. Little doubt exists that the personal security of the scattered foreign missionaries, merchants and

⁴³ Not printed.

others is in great jeopardy and, except for a realistic understanding of the dangers to which they are exposed and which it appears they will have to meet as best they can, there is nothing they can depend upon.

Today the following instruction is being sent to the Embassy: ⁴⁴

“Upon the assumption that Captain Erskine would be willing to afford such protection as is available to him to those American nationals who can be persuaded to leave southwestern Ethiopia, please ask the Foreign Office if it will be good enough to request him to explain the dangers of the situation to American nationals in Gore and in other places with which he is in communication, and urge upon them the pressing necessity of leaving immediately. Department’s mail instruction No. 1408, ⁴⁵ which should reach London September 11 on S. S. *Bremen*, included list of American missionaries in Ethiopian provinces.”

You should use any means open to you to get word to American nationals in the unoccupied regions of the danger of the situation and urge all those who you consider would not incur greater danger by leaving their present stations to depart immediately for Gambela or some other place of safety.

HULL

384.11/202 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, September 14, 1936—3 p.m.

[Received 6:15 p.m.]

555. I have conferred with my British colleague regarding the contents of the Department’s 350, September 11, 6 p.m. He tells me he has urged his Government to keep Erskine at Gore for at least another month or 6 weeks to permit British subjects in Jimma to reach Gore before his withdrawal provided travel in that direction is possible.

Please see my 552, and 553 September 13th.⁴⁶ I am sending messages to Jimma and Soddu explaining the situation and urging Americans to leave if they do not consider the journey too hazardous. It is possible that the Americans in Jimma may decide to depart if and when the British colony leaves as together with the British Indian traders a sufficiently large armed caravan could probably be formed to offer resistance to marauding bands. It is not yet clear whether the route to Addis Ababa or to Gore is at present the less dangerous.

As regards the missionaries at Soddu and nearby districts I doubt very much whether they could travel with any degree of safety. The only two members of the Sudan Interior Mission who have so far lost

⁴⁴ Telegram No. 335, September 11, 6 p. m.

⁴⁵ Not printed.

⁴⁶ Neither printed.

their lives were killed while attempting to travel (see Legation's telegram 542, September 1, 2 p.m.).⁴⁹ In any event it would be physically impossible for them to reach Gore or Addis Ababa in less than 2 months from now.

Evacuation to Kenya seems out of the question. Besides, the British Consulates at Mega and Maji in southern Ethiopia were closed several months ago.

ENGERT

384.11/199 : Telegram

The Secretary of State to the Minister Resident in Ethiopia (Engert)

WASHINGTON, September 17, 1936—11 a.m.

356. Department's 350, September 11, 6 p.m. The following is a paraphrase of a telegram of September 14, 1936, from the Ambassador at London:⁴⁹

It is stated by the Foreign Office that inasmuch as Captain Erskine is the only white foreign official in southwestern Ethiopia he has assumed the protection of all foreigners as well as British subjects in that region in so far as possible. The Foreign Office states that in the instructions sent to him for evacuating Goré he was requested to urge upon all foreigners with whom he could communicate that it was necessary for them to leave. It was further stipulated in the authorization for him to evacuate Goré that he should do so after satisfying himself that everything possible had been done to evacuate those foreigners who were willing to leave and as regards all those who insisted on remaining that he make clear to them the danger they were incurring and that their remaining must be at their own risk. The instructions on this point in fact were so explicit that the Foreign Office does not feel it is necessary to issue additional instructions.

It was stated in the last message from Captain Erskine of September 10, 1936, to the Foreign Office that he was "holding" Ras Imru in Goré until the evacuation had been accomplished of foreigners who would leave. Captain Erskine indicated that no agreement existed among the Amharic officials at Goré and that Galla raids were a constant menace. From what I have been told of the correspondence between Captain Erskine and the Foreign Office I feel convinced that both have felt the moral responsibility of Captain Erskine for the other foreigners in his district and that everything in his power has been done to aid them and to advise those with whom he was able to get in touch.

There has been communicated to the Foreign Office the list of Americans forwarded with the Department's instruction No. 1408 of September 3 [9].⁴⁹

HULL

⁴⁹ Not printed.

765.84/5150 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, December 29, 1936—3 p.m.

[Received 11:39 p.m.]

704. To illustrate the state of insecurity which still prevails in the capital, I desire to report that last night a band of 50 or 60 natives attacked a house only about 300 yards from this legation and 200 yards from an Italian military post. Owner escaped but his wife was killed and their money and valuables were stolen. Italian soldiers called by the owner failed to catch a single one of the bandits although they kept up brisk rifle and machine gun fire for over half an hour.

I have been hearing of similar incidents reported in other parts of the city but as the Italian authorities maintain strictest secrecy concerning such matters the above is the first one I have been able to verify.

ENGERT

VII. Relations Between the American Minister Resident in Ethiopia and the Italian Military Commanders

765.84/4138 : Telegram

The Secretary of State to the Minister Resident in Ethiopia (Engert)

WASHINGTON, April 20, 1936—3 p.m.

153. Your 221, April 18, 2 p.m.⁵⁰ No special instructions were issued to the Embassy at Brussels in the case referred to in the final paragraph of your telegram, and the Department considers it preferable not to issue any special instructions with regard to your relations with the Italian military authorities in the event they occupy Addis Ababa, pending their arrival and announcement of their plans.

You will, of course, cooperate with your colleagues in such informal measures as may be practicable with a view to protecting American nationals, being careful to avoid any action which might be interpreted as unneutral.

Please endeavor to keep the Department promptly advised of developments.

HULL

⁵⁰ *Ante*, p. 61.

765.84/4301 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, May 6, 1936—11 a.m.

[Received 2:35 p.m.]

298. Have just received call from member of Marshal Badoglio's staff who handed me a *note verbale* in Italian dated today of which substance is as follows:

High Commissioner and Commander in Chief has in name of King of Italy assumed all military and civil powers and has appointed a military and a civil government for the city of Addis Ababa which, under his orders, will be governed in accordance with the laws and military ordinances of Italy.

"Based on these laws and ordinances and pending further disposition regarding the cessation of hostilities and the new status of the country the Chief of Mission and the members of the Legation of the United States of America will enjoy the prerogatives accorded to them for the representation of the interests of the countries represented by them and for the protection of their respective nations [*subjects*]."

(Italian text of above paragraph reads as follows:

"In base a tali leggi ed a tali ordinamenti fino alle future determinazione relativo al cessazione delle ostilita ed al nuevo assestamento del paese il capo missione ed i membri della legazione degli S. U. d'America godranno delle prerogative loro riconosciute per la rappresentazione degli interessi dei paesi da essi rappresentati e per la tutela dei rispettivi loro sudditi.")

Note then states that for these purposes they may address themselves to cabinet of High Commissioner who will insure protection of persons of Chief of Mission and members of American Legation and persons in their service as well as personal or real property belonging to them.

High Commissioner requests American Legation observe laws and military ordinances of Italy and hopes it will assist in maintaining good relations between High Commissioner and Legation.

Any official relations between the Legation and authorities other than Italian, or acts contrary to laws and ordinances published by High Commissioner, will not be recognized by the latter.

High Commissioner hopes that Legations realizing special circumstances and necessity of assuring, in the interests of the public, order discipline and justice, will also in their own interest and that of the occupied country lend cooperation for which High Commissioner would be grateful.

ENGERT

765.84/4332½ : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, May 7, 1936—11 a.m.

[Received May 9—7:09 p.m.⁵¹]

311. My 298, May 6, 11 a.m. After I had read the note, the official who brought it, a Captain Alessandrini, told me that he was really a First Secretary in the Italian Diplomatic Service but had been temporarily detached to serve on the High Commissioner's staff. He also referred to the fact that Marshal Badoglio had at one time been Ambassador in Rio and implied that they were therefore both versed in diplomatic usage. He said he had been instructed to add orally that the High Commissioner would appreciate it very much if the legations would cooperate with him as much as possible "in order that it need not be necessary to curtail their privileges".

I offered no comment on the contents of the note or his verbal communication other than to say that the note would at once be referred to my Government and that I was personally quite prepared to cooperate with the Italian authorities for the protection of American citizens and property and the maintenance of order.

Diplomatic Corps met today to discuss note and further steps. Much to our surprise the German Chargé informed us that he not only had already replied but had called on Chief of Cabinet who presented him to the Marshal. He read to us text of his reply which I thought was couched in unnecessarily cordial terms. My other colleagues decided: (1) to await instructions before even acknowledging the note; (2) to call individually and informally on the Chief of Cabinet (who is incidentally the Marshal's son); and (3) not to ask to see the Marshal, but if his son or another official should offer to introduce us, to accept. I personally do not consider (2) and (3) a particularly dignified procedure but as it does not seem of vital importance I agreed.

Belgian Minister Phardean informed us that when Alessandrini called he explained that the Marshal, by virtue of his rank as High Commissioner, would not make first call on the Ministers. The Captain also added an amusing and possibly significant touch by stating that he had been instructed to deliver the note to the "non-sanctionist legations" first and he appears to have begun with the German.

ENGERT

⁵¹ Telegram in two sections.

765.84/4332½ : Telegram

The Secretary of State to the Minister Resident in Ethiopia (Engert)

WASHINGTON, May 9, 1936—2 p.m.

209. Your 311, May 7, 10 p.m. [11 a.m.] Under instructions from his Government, the French Ambassador called today to inform this Government that the French Minister at Addis Ababa had been instructed to call in the "capacity of an official without diplomatic character" upon the Italian Marshal (1) "to express the wish to thank the Marshal for the help given by Italian troops to the French Legation" and (2) in order to "put himself in a situation to concert with the Marshal for the protection of French interests under his charge".

The Ambassador also stated that on May 6 the French Ambassador in Rome had called personally on Mussolini to express the thanks of the French Government "for the quickness with which the Italian troops came to the protection of menaced legations in Addis Ababa".

HULL

765.84/4347 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, May 10, 1936—noon.

[Received 5 p.m.]

327. Department's 209, May 9, 2 p.m. I have just received note dated yesterday from the Dean of the Diplomatic Corps informing me that inasmuch as the French Minister had been known to call on Marshal Badoglio he (the Belgian Minister) would also request to be received.

Unless I am instructed to the contrary I shall therefore likewise make an appointment to call upon the High Commander.

Since the Italian occupation I have been careful to act on the assumption that the functions of the Legation and Consulate General will continue as normally as the altered physical circumstances permit. I feel that the fewer questions of principle are raised the easier will be the practical solution of any difficulties that might arise. We shall be scrupulously correct and polite in our relations with the Italian authorities and shall yield only in matters of little or no importance or of course upon instructions from the Department. In this manner I hope to afford the fullest possible protection to American interests while avoiding all unnecessary friction with the authorities.

What reply shall I make to the note referred to in the Legation's telegram No. 298, May 6?

ENGERT

765.84/4347 : Telegram

The Secretary of State to the Minister Resident in Ethiopia (Engert)

WASHINGTON, May 12, 1936—3 p.m.

217. Your 298 May 6, 11 a.m.; 311 May 7, 11 a.m., and 327, May 10, noon. You may acknowledge receipt of the note handed to you on May 6 and add a statement similar to that which you made orally to Alessandrini, that is, that you are personally prepared to cooperate with the Italian military authorities for the protection of American nationals and property.

The Department is in accord with the views set forth in the third paragraph of your 327, May 10, noon. In this connection you will of course be careful to refrain from any statement or action which would commit this Government in any way. Your foremost duty at this time is of course to protect American nationals and American interests.

HULL

765.84/4421 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, May 14, 1936—6 p.m.

[Received May 14—4:15 p.m.]

342. Called on Marshal Badoglio by appointment at 5 p. m. and had pleasant informal chat with him. He opened the conversation by asking how long I had been here and when I told him 10 months he laughed and said "that is a long time and I am sure you are tired of the place and ready to leave soon". I assured him that I liked it here very much and was not at all tired of it.

He then referred in cordial terms to his visit to the United States when he had the pleasure of meeting the President who was then Assistant Secretary of the Navy. He also spoke of his "dear friend General Pershing."

I told the Marshal that I felt somewhat uneasy regarding the safety of Americans in the interior and he promised that as soon as possible he would try and establish communications with the southern provinces. This is to be Graziani's task when he arrives here. I left with the Marshal's son a list of our missionaries and their stations.

ENGERT

765.84/4476 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, May 20, 1936—5 p.m.

[Received 8:10 p.m.]

362. Marshal Badoglio is leaving tomorrow and Marshal Graziani who arrived yesterday is assuming supreme command in Ethiopia.

ENGERT

124.843/115 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

[Extract]

ADDIS ABABA, May 26, 1936—10 a.m.

[Received 2:55 p.m.]

372. On the night of May 20 chief radioman Tanner entered a bar where several Italian officers including a general were being served. They ordered him in English to take his hat off and when he paid no attention they rushed at him, threw him out and had him arrested. They did not know who he was and he was held incommunicado at the police station until the following afternoon and was released when he told an Italian captain that if he had unintentionally insulted an officer he was sorry.

ENGERT

765.84/4514 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, May 27, 1936—2 p.m.

[Received 3:35 p.m.]

376. Have received official notification of order issued today by Governor of Addis Ababa to the effect that natives, Italians and all other foreigners must give Fascist salute to Governor General who is acting Viceroy, to Italian flag, or Fascist emblem. Anybody in a car must stop and get out or if on horseback must dismount. Failure to comply is to be severely punished.

ENGERT

765.84/4515 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, May 27, 1936—3 p.m.

[Received 3:30 p.m.]

377. Regarding my 376 of today, please inform me whether foreigners residing in Italy or Germany are expected to give respective national salutes. There would, of course, be no objection to removing hats when passing national or regimental colors or, as a matter of courtesy, even to Governor General but unless instructed to the contrary I shall not advise Americans to give Fascist salute. In any event I and my American staff have no intention of making any Roman obeisances.

The requirement to leave an automobile or get off a horse appears to me too utterly ridiculous to be even discussed.

I shall confer with my diplomatic colleagues as soon as practicable.

ENGERT

765.84/4515 : Telegram

The Secretary of State to the Minister Resident in Ethiopia (Engert)

WASHINGTON, May 28, 1936—6 p.m.

254. Your 376, May 27, 2 p.m. and 377, May 27, 3 p.m. Pending further consideration of the matter the Department has no objection to your following procedure outlined in your 377. Please advise the Department promptly of the result of your proposed conference with your colleagues on this matter as well as any instructions which your colleagues may have sought or received. The question of foreigners giving Nazi salute was covered by a notice published in the German press on August 23, 1933, by the representative of the leader of the Nazi party. This notice reads as follows:

“In all countries it is the custom that when the national anthem is sung, when the flag is saluted, or on similar occasions, foreigners do honor to the country whose hospitality they enjoy by joining with the citizens of the country, by standing up, and by taking off their hats. This is a self-evident obligation of international courtesy, the fulfillment of which is expected from every German in foreign countries as it is expected from every foreigner in Germany. But it cannot be expected that a foreigner should give a salute or perform a ceremony which is not customary in his own country as for example the ‘German greeting’ through the lifting of the right arm. This can be expected as little as for example it cannot be expected of a Protestant, when he enters a Catholic church, that he cross himself.”

No information is available with respect to foreigners giving a Fascist salute in Italy but such information is being sought by telegraph and will be transmitted to you as soon as it is received.

HULL

765.84/4535 : Telegram

The Secretary of State to the Minister Resident in Ethiopia (Engert)

WASHINGTON, May 29, 1936—5 p.m.

256. Department's 254, May 28, 6 p.m. Following is text of telegram 181, May 29, 3 p.m., from Embassy at Rome:

“In so far as I am aware there is no regulation requiring foreigners in Italy to give the Fascist salute and certainly it is not the practice of members of this Embassy or of other Americans to give that salute on any occasion. In accordance with the usual custom, however, civilians both native and foreign uncover when the flag of the country or the colors of military organizations pass or when the national anthems are played.

As regards the official notice issued by the Governor of Addis Ababa, there has been no reference here of any such observance being required of foreigners in Ethiopia. The inclination is to connect this order with the controversy which is said to be in process between the British and Italian Governments over the withdrawal of the British Legation guard at Addis Ababa or it might be regarded as an indication of an intent to render the position of foreign officials in Addis Ababa, and possibly of their nationals untenable in their present status. If such is not the case, however, it would seem that in so far as Americans are concerned an explanation to the Italian officials of the procedure customarily observed by Americans, particularly in Italy, might result in obviating the complications which might follow from the enforcement of the order."

The Department is inclined to believe that the situation can probably best be met by adopting the suggestion outlined in the final sentence of the above quoted telegram, but before giving you definite instructions it will await the report of the results of your conference with your colleagues.

HULL

124.843/116 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, June 3, 1936—9 a.m.

[Received June 4—4:48 p.m.]

389. My 372, May 26. An Italian major called yesterday afternoon and said he had been sent by Marshal Graziani to deliver a written order for Tanner's expulsion. He added that it had at first been intended to notify Tanner direct, but that "As a matter of courtesy to the American Minister," the Marshal decided to deliver it through me.

I informed the major that I considered this an extremely grave step and that I could not accept an order for the expulsion of any member of my staff. I told him that "as a matter of courtesy to the Marshal," I had refrained from making an official complaint regarding Tanner's detention, his brutal treatment, and the fact that he was not permitted to communicate with me. I added that no one deplored the incident more than I did, and that by way of disciplinary action for whatever share Tanner may have had in it, I had forbidden him to leave the Legation since then. Moreover, I understood that Tanner had orally apologized to an Italian captain just prior to his liberation. I then requested the major to present my compliments to the Marshal and to state that in view of the above considerations I hoped he would agree with me that it would be far preferable if we considered the incident as closed. I could only foresee endless annoy-

ance to both of us if we permitted a relatively uninteresting row in a public bar to degenerate into an international argumentation.

The major promised to convey my message and 2 hours later returned to inform me that "as a further indication of Italian good will towards the American Legation and Government" the Marshal had consented to cancel the expulsion order. However, as he had never been informed of Tanner's oral apology, he inquired if I would be willing to have Tanner put it in writing. To this I agreed, and in a personal letter to the major on blank paper and without any indication of his connection with the Legation, I instructed Tanner to say, "If I have unintentionally insulted an Italian officer I wish to express my regrets."

Considering the special circumstances of the case and the precarious situation of all legations here, I feel this was by far the simplest way of preventing an unpleasant controversy.

ENGERT

765.84/4590 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, June 6, 1936—2 p.m.

[Received 7:20 p.m.]

398. Department's 256, May 29, 5 p.m. Question was discussed at the regular meeting of the Diplomatic Corps this morning. British and French Ambassadors in Rome having protested against the decree they were assured that authorities here would be instructed not to enforce it as regards foreigners. This appears to have been done for although the decree has not been repealed or modified no attempt has been made to apply its provisions to foreigners.

ENGERT

124.84/99 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, June 6, 1936—3 p.m.

[Received 7:45 p.m.]

399. At meeting Diplomatic Corps this morning it was decided to inform our respective governments that since the departure of Marshal Badoglio and contrary to assurances in note of May 6th⁵² the High Command has shown desire to ignore Chiefs of Missions in their official capacity; that correspondence is addressed to them without giving them their titles; and that at an interview the Belgian

⁵² See telegram No. 298, May 6, 11 a. m., from the Minister Resident in Ethiopia, p. 286.

Minister who is Dean had on June 3rd with Marshal Graziani the latter told him that as far as he was concerned the Legations no longer existed.

As I happen to have an appointment with Graziani later this afternoon I suggest no action be taken regarding the above until I report further.

ENGERT

124.84/100 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, June 7, 1936—1 p.m.

[Received June 8—7:45 p.m.]

403. Legation's 399, June 6. Marshal Graziani received me yesterday with the utmost courtesy and began by apologizing if he had in any way seemed discourteous to the diplomatic missions. He explained that his instructions had been extremely vague as to his relations with Diplomatic Corps and he implied that Badoglio had not informed him of the arrangements that had already been made in that direction. But he said he was very anxious to remedy any misunderstandings that may have arisen and hoped I would let him know if he could be of service.

I replied, half in jest, that inasmuch as neither he nor I were called upon to make any decisions which would bind our respective Governments as regards the future of Ethiopia, I saw no reason why we should not have a perfectly friendly working agreement to deal with problems as they arose and to enable me to look after American interests. To this he readily assented.

I then told him how many American citizens we had and he seemed surprised at the relatively large number. I reiterated the remarks I had made to Marshal Badoglio (see last paragraph of Legation's 342, May 14) regarding our missionaries in the interior but added that I was more anxious than ever to obtain news of their welfare. Incidentally, Graziani and his Chief of Cabinet said they never saw the list I had handed to Badoglio's son. I am giving him a new list and shall indicate on a map the locations of their stations. The Marshal then agreed to send planes over the principal stations and to drop messages from me but apparently he cannot let them land anywhere nor is he prepared to send any troops.

The inescapable impression obtained from the entire interview was that Graziani must have received very definite instructions from Rome to be polite and decent to the foreign legations and perhaps particularly so to the American Legation. Otherwise his sudden *volte-face* could hardly be explained.

ENGERT

124.84/100 : Telegram

*The Acting Secretary of State to the Minister Resident in Ethiopia
(Engert)*

WASHINGTON, June 9, 1936—7 p.m.

270. Your 403, June 7, 1 p.m. Department approves of attitude which you adopted in your conversation with Marshal Graziani and, inasmuch as the question raised in your 399, June 6, 3 p.m., now seems to have been satisfactorily adjusted there would appear to be no need for specific instructions. For your general guidance, however, I make the following comments and suggestions:

Since your primary function is to protect American interests in Ethiopia it is of course desirable for you to maintain such friendly informal relations with the Italian authorities as will accomplish that purpose. Accordingly the Department is not inclined to attach undue importance to questions of procedure such as the failure of the Italian authorities to address chiefs of mission without giving them their titles.

In this general connection it may be observed that American consular officers in Manchukuo generally refrain from using the titles of local officials in addressing them. The Department has suggested to consular officers in Manchukuo that it would be desirable to avoid formal communication and endeavor to transact business on a personal and/or informal basis.⁵³

The Department would be interested in receiving information as to the form followed by the diplomatic corps in addressing Marshals Badoglio and Graziani, particularly whether the title Governor General, Viceroy is used.

PHILLIPS

124.84/101 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, June 12, 1936—3 p.m.

[Received 7:44 p.m.]

418. Last paragraph Department's 270, June 9. None of the chiefs of mission here used the title of "Viceroy" in addressing Badoglio. Graziani has never called himself even Acting Viceroy but only Governor General ad interim. I have been careful to refer to him befittingly as "Commander in Chief" thus taking cognizance of his presence merely as the highest authority in military occupation and in no sense implying recognition of Italian sovereignty.

ENGERT

⁵³ See telegram No. 189, December 20, 1932, 1 p. m., to the Ambassador in Japan, *Foreign Relations*, 1932, vol. iv, p. 445.

124.84/101 : Telegram

The Acting Secretary of State to the Minister Resident in Ethiopia
(Engert)

WASHINGTON, June 15, 1936—5 p.m.

278. Your 418, June 12, 3 p.m. Department approves of your practice in addressing Graziani only as Commander in Chief and desires you to follow that form.

PHILLIPS

124.842/126 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, July 6, 1936—7 p.m.

[Received July 6—3:30 p.m.]

453. I am officially informed today that Marshal Graziani pursuant to instructions from Rome has issued a decree which becomes effective tomorrow regulating private radio stations. The Marshal has just told me very courteously that the Legations now possessing radio stations will be permitted to use them provisionally not as Legations but as private individuals and will be subject to such regulations as he may prescribe. He said this would include restrictions regarding certain hours, wave lengths, et cetera, but for the present we would be permitted to send messages in cipher as before.

ENGERT

124.842/127 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, July 6, 1936—10 p.m.

[Received 11:45 p.m.]

454. Background to my 453 of today is as follows: At about 3 o'clock this afternoon two Italian officers and four *Carabinieri* arrived at the Legation and said they had verbal orders from the Marshal to close the radio station. They placed a guard in front of the door and prevented our radiomen from entering. As a brief conversation I had with the officers showed that their orders were explicit and they had no discretion, I immediately called on Marshal Graziani and told him that, without discussing the question of the wireless, I could not permit him to send soldiers or police into the Legation compound and to occupy any building therein without my previous consent. I felt, therefore, obliged to request him very emphatically to withdraw the guard at once.

The Marshal replied that he had received instructions from Rome that the Legations should no longer be recognized *lex loci* and that he therefore had a right to treat Legation premises as private dwellings. I denied this and referred him to Marshal Badoglio's note of May 6⁵⁴ which I considered still in force. He said that the situation had changed since then because Ethiopia had been annexed and in any event his orders were now clear on the subject.

I then thought it best not to pursue this argument for the moment and asked him why he had suddenly decided to close radio stations belonging to Legations. He replied with great heat that he had been told by his Government that distorted and even entirely false reports regarding the situation were being spread by various Legation radios and although he did not mention any by name it was obvious from his remarks that he had the British and French Legations in mind. He even went so far as to say that certain rumors were being maliciously and systematically concocted locally in order to alarm the population and that he was determined to put a stop to it. I assured the Marshal that this Legation had had nothing whatever to do with the spreading of false reports either locally or by radio but that he had doubtless been in the city long enough to realize how even the most absurd bazaar rumors were seized upon and circulated by both natives and foreigners simply for lack of other news. I suggested that perhaps the best protection against false reports was telling people the truth in so far as military exigencies permitted. I added that since the Italian occupation even the Legations had been left completely in the dark as to what was going on and when we applied to Italian sources for perfectly legitimate information we only received evasive answers.

The Marshal admitted the justice of some of my remarks but explained that he had heavy responsibilities on his shoulders and was therefore obliged to use extreme caution. He admitted frankly that there were still some elements in the situation which caused him anxiety but nothing was to be gained by exaggerating the dangers, and he therefore hoped the Legations would not render his task more difficult by obliging drastic action. I laughed and said I considered his action in forcibly seizing my radio station sufficiently drastic.

As our interview had already lasted nearly an hour and we were not getting anywhere I asked him if he would allow me to suggest to him the following compromise solution to our present impasse:

1. The Italian soldiers to be withdrawn from the Legation premises tonight and not to return.
2. Radio station to continue to function as hitherto for the entire 24 hours during which I would inform my Government of his wishes.
3. In return for the above I would recommend to my Government

⁵⁴ See telegram No. 298, May 6, 11 a. m., from the Minister Resident in Ethiopia, p. 236.

that it authorize me to accept any reasonable regulations for radio stations which he might consider it necessary to promulgate in view of the military situation, provided of course that such regulations were applicable to radio stations of all legations.

The Marshal was inclined to haggle and said he would take away the guard if I gave him my word that the wireless would not be used. This afforded me a chance to say that if Washington did not hear from me tonight they would probably think we had all been massacred and that would be worse than any inaccurate reports we could have possibly sent out. The thought came as a distinct shock to Graziani and turning to a colonel who was in the room he said: "I never thought of that. I suppose it is true that if all the legation radios suddenly ceased transmitting without explanation their Governments would fear something terrible had happened". He at once telephoned to recall his pickets from the American and other Legations and to inform the latter of the temporary arrangement. The Italian soldiers left our Legation at about 9 p. m.

As we are at best only [apparent omission] from hand to mouth here and I have been fully expecting the Italians ever since their arrival to insist that our radio stations be closed, I trust the above meets with the Department's approval. We have at least upheld our diplomatic immunity and it may be an advantage to have even a limited use of our own radio so long as this Legation is functioning, for the Italian commercial wireless is still most unreliable and excessively slow.

ENGERT

124.842/127 : Telegram

The Secretary of State to the Minister Resident in Ethiopia (Engert)

WASHINGTON, July 7, 1936—7 p.m.

298. Your 453, July 6, 7 p.m., and 454, July 6, 10 p.m. Department approves of your action with understanding that other legations possessing radio stations receive no more favorable treatment than that accorded to American Legation.

HULL

124.842/130 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, July 8, 1936—5 p.m.

[Received 10:04 p.m.]

461. I have received a written order from His Excellency, Marshal Graziani, that in view of the situation which has developed since my interview with him, he finds himself obliged to close for a period of

15 days the radio stations of the four Legations possessing them. I have complied with his request but have obtained authorization to continue to receive messages. Beginning today I shall therefore send my messages via Italian radio.

ENGERT

124.842/133 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, July 10, 1936—1 p.m.

[Received July 12, 10 a.m.]

466. Legation's 461, July 8, 5 p.m. French and German radios were sealed July 8th. British Legation Guard refused to admit Italian officers and men to the radio station and would have used force had the Italians insisted. British Chargé d'Affaires asked for instructions and today received reply to offer his word of honor to the Marshal not to transmit messages but if not accepted to permit station to be sealed.

My British colleague informs me that his Foreign Office has just cabled to Washington, Paris and Berlin regarding status of Legations in Addis Ababa. Please take no action until you have received full reply to Department's 299⁵⁵ which should reach you July 12th.

ENGERT

701.4184/34

The British Embassy to the Department of State

AIDE-MÉMOIRE

It is gathered from telegrams sent by the British Chargé d'Affaires at Addis Ababa

(1) That the Italian authorities have infringed the immunity of the British Legation by entering the premises.

(2) That they have prohibited the use of the Legation wireless apparatus.

(3) That Marshal Graziani has hinted that all communications in code may be prohibited.

The British Ambassador at Rome has been instructed to urge immediately the despatch of orders to the Italian authorities in Ethiopia with a view to assuring the full immunity of the Legation in practice, even though they may decline to recognize its status in principle.

It seems to His Majesty's Government that such panic measures as those now introduced at Addis Ababa for military reasons hardly

⁵⁵ *Post*, p. 330.

harmonize with the contention repeatedly put forward by the Italian Government that the war in Ethiopia is at an end.

His Majesty's Government earnestly hope that the United States Government will instruct its representative at Addis Ababa to make representations in a similar sense; and they are addressing the same request to the French and German Governments who also have wireless sets in their Legations. The Ambassador at Rome has however been instructed to act immediately without awaiting the cooperation of his colleagues.

WASHINGTON, July 10, 1936.

124.842/130 : Telegram

The Secretary of State to the Chargé in Italy (Kirk)

WASHINGTON, July 10, 1936—4 p.m.

83. On July 6 two Italian officers and four *carabinieri* entered the Legation at Addis Ababa and announced they had verbal orders to close the Legation radio. The Minister Resident immediately sought an interview with Graziani and, after stating he could not permit soldiers or police in the Legation compound without his previous consent, urged the Marshal to withdraw his troops at once. Following lengthy discussion Graziani gave orders to withdraw troops and agreed to permit Legations, not as Legations but as individuals, provisionally to use radios, subject however to certain restrictions regarding hours, wave lengths, et cetera.

On July 8 Engert received written order from Graziani that, in view of situation which had developed since above interview, it was necessary to close Legation radio stations for a period of 15 days. Engert subsequently obtained authority to receive messages, but he is sending via commercial radio.

Please take this matter up at once with Foreign Office and urge that instructions be sent to military authorities in East Africa with a view to insuring the immunity of the American Legation in practice without discussion of its diplomatic status. Also urge desirability of permitting two-way communication by code between Legation radio station and Washington subject if necessary to reasonable restrictions regarding hours of use. If authorities decline to permit stations to function at this time you should endeavor to induce them to permit stations to reopen at end of 15-day period referred to above.

Report results of your representations.

The military situation at Addis Ababa is such that the Department deems open communication of the utmost importance and wishes you to use your best endeavors to effect a satisfactory solution.

HULL

124. 842/130 : Telegram

The Secretary of State to the Minister Resident in Ethiopia (Engert)

WASHINGTON, July 10, 1936—4 p.m.

304. Your 461, July 8, 5 p.m. The Chargé d'Affaires at Rome has been instructed to bring this whole matter to the attention of the Foreign Office and to urge that orders be sent to the military authorities in East Africa with a view to insuring the immunity of the Legation in practice without discussion of its diplomatic status. The Chargé d'Affaires has also been directed to urge the desirability of permitting two-way communication by code between Legation radio station and Washington, subject if necessary to reasonable restrictions regarding hours of use.

Please consult with your colleagues who have been placed in a similar position and endeavor to arrive at a common understanding respecting approach to the Italian authorities in this matter. It would be desirable if all the Legations affected would do their utmost to induce the Italian authorities to forego their claim to prohibiting the use of the Legation radio stations. If those authorities persist in their view, however, acquiescence will probably be necessary in view of their position of military occupation. If Italian authorities decline to permit reopening of the radio stations at this time it might be possible to induce them to permit them again to function after the end of present 15-day period.

If you are obliged to continue to send messages by commercial radio you should endeavor to obtain full assurance that code communication will be permitted.

If Italian authorities again attempt to invade the Legation by force you should protest vigorously and report fully to the Department.

HULL

124.842/132 : Telegram

*The Chargé in Italy (Kirk) to the Secretary of State*⁵⁶

ROME, July 11, 1936—4 p.m.

[Received July 11—3:55 p.m.]

261. Department's 83, July 10, 4 p. m. I discussed this matter with the Minister for Foreign Affairs this morning and urged that instructions be issued as outlined in paragraph 3 of the telegram referred to above. Ciano said that it would be necessary for him to consult with the Minister for Colonies and that he would communicate with me as soon as possible. As regards the use of the radio he said that whatever measures had been taken were in no way directed against

⁵⁶ Text of this telegram was transmitted to the Minister Resident in Ethiopia as Department's telegram No. 307, July 13, 6 p. m.

the American Legation and that he could see no objection on principle to radio communication between the Legation and Washington but that he had heard that other radio stations in Addis Ababa had been used for "broadcasting" to points in Ethiopia where Italian forces had not yet established actual control and that presumably it was necessary to take some action to prevent such use of foreign radios.

In this connection the *Tribuna* reports from Addis Ababa that "responsible foreign circles" there are using every means to spread false reports and that they have been warned to desist.

KIRK

124.842/137: Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, July 14, 1936—noon.

[Received July 17—8:14 p.m.]

473. Department's 304, July 10, 4 p.m. and 307, July 13, 6 p.m.⁵⁷ and Legation's 466, July 10, 1 p.m.

British Legation radio was likewise sealed July 10.

My interested colleagues and I are agreed that we have already done all we can at this end and that if the Italian authorities decline to permit us to resume transmitting over our own radios after July 23, when the 15 days expire, further representations should be made in Rome rather than here. We shall, of course, as in the past, continue to maintain correct personal relations with the Marshal in order to obtain the most favorable treatment possible.

I shall for the present not tell my colleagues that the Department believes acquiescence may become necessary.

[ENGERT]

124.842/134: Telegram

The Chargé in Italy (Kirk) to the Secretary of State

ROME, July 15, 1936—6 p.m.

[Received July 15—2:15 p.m.]

267. My 261, July 11, 4 p. m. Minister for Foreign Affairs in reply to a further inquiry on my part tells me that the Italian authorities are trying to arrive at some working arrangement as regards the Legation radio at Addis Ababa and that he will communicate with me as soon as the matter has been fully considered. He adds that representatives of other governments have taken up this matter with him as regards their Legations and that Graziani is discussing the question with the Legations at Addis Ababa.

KIRK

⁵⁷ See footnote 56, p. 301.

124.842/136 : Telegram

The Chargé in Italy (Kirk) to the Secretary of State

ROME, July 17, 1936—5 p.m.

[Received July 17—3:40 p.m.]

271. My 267, July 15, 6 p.m. I was handed an informal statement at the Foreign Office today of which the following is a translation.

1. The officials of the former foreign legations in Addis Ababa are to be regarded as private individuals receiving special consideration; as a matter of courtesy and for the time being consent has been given to permit them to continue to benefit by the privileges they formerly enjoyed.

2. Following the ordinance of July 8 which suspends the use of radio transmitting instruments, the ex-legations may use for radio communications the government radio which performs international service.

3. The continuance or otherwise of the measure prohibiting the use of private radio transmitting stations will depend upon circumstances and upon the provisions which the Governor General of Addis Ababa may in the exercise of his responsibility deem appropriate to adopt.

When I referred to the matter of the entrance of the Italian military authorities on the American Legation premises which I had already pointed out to the Minister for Foreign Affairs I was informed that an investigation of this incident had been instituted and was assured that every possible courtesy would be shown to the American representatives in Addis Ababa. I was also told that the foregoing provisions had been adopted as applying to all legations in Addis Ababa and that they had been found necessary in view of the use which had been made of certain foreign radio stations there and which the Italians regarded as irregular.

KIRK

124.842/140 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, July 22, 1936—noon.

[Received July 23—6:02 p.m.]

485. I have just learned informally that the Legation radio stations will not be permitted to resume transmitting until further notice.

ENGERT

124.842/141 : Telegram

The Secretary of State to the Chargé in Italy (Kirk)

WASHINGTON, July 24, 1936—4 p.m.

93. Following is text of telegram 486, July 23, 9 a.m. from Addis Ababa:

“Received last night at 8 p.m. copy of decree signed by Marshal Graziani dated July 21 to the effect that inasmuch as reasons of public order which prompted decree of July 8th still exist, no exception can be made to the rule that private wireless stations must not be used for transmission.

Second article of same decree states that all those desiring to use cipher must first obtain authorization from the Government which will only be granted if code book is deposited with telegraph office.”

Please take this up immediately with the Foreign Office and request a clarification of the meaning of the second article of the above mentioned decree.

If you ascertain that the article in question is intended to apply to telegraphic communications between Mr. Engert and the Department you are instructed to enter a vigorous and emphatic protest and to state that this Government cannot admit the right of the Italian authorities to interfere with communications with its representative at Addis Ababa. This Government therefore urgently requests that early steps be taken by the Italian Government to bring about the amendment of the decree of July 21, so as to permit unrestricted communication between this Government and its representative at Addis Ababa.

Please inform the Department as soon as possible of the results of your representations in this matter.

HULL

124.842/142 : Telegram

The Chargé in Italy (Kirk) to the Secretary of State

ROME, July 25, 1936—2 p.m.

[Received July 25—9:45 a.m.]

290. Department's 93, July 24, 4 p.m. I have just called at the Foreign Office and requested a clarification of Graziani's decree of July 21. I was informed that an inquiry would be immediately addressed to the Ministry of Colonies and that a reply might be expected within 2 or 3 days.

The British Embassy here has been notified of this decree but as yet has received no instructions from London.

KIRK

124.842/145 : Telegram

The Secretary of State to the Chargé in Italy (Kirk)

WASHINGTON, July 27, 1936—10 p.m.

95. Your 290, July 25, 2 p.m. Department's 93, July 24, 4 p.m. was repeated to the Minister Resident at Addis Ababa who in reply telegraphed on July 25 as follows:⁵⁸

"His Excellency, Marshal Graziani, received me very cordially this morning and assured me that he personally had no objection to a solution in the sense desired by the Department."

Since the Italian Government previously has apparently contended that matters of this kind are for the decision of Marshal Graziani in the exercise of his responsibilities in Ethiopia, you should, in any further conversations at the Foreign Office, stress the fact that the Marshal has no objection to the use of codes by the American Legation and state that the Department confidently assumes that the Decree of July 21, 1936, will be interpreted so as to permit the use of codes by the American Legation in communicating with Washington.

HULL

124.846/55 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, July 28, 1936—8 a.m.

[Received 6:34 p.m.]

493. My 489, July 25.⁵⁹ His Excellency, Marshal Graziani, was good enough to inform me last night by letter that "as a token of regard for you personally and because of the good relations between United States and the American [*Italian?*] people" I am authorized to use cipher without any limitations.

ENGERT

124.846/56 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, July 28, 1936—4 p.m.

[Received July 29—7:20 a.m.]

498. Please consider my 493, July 28, 8 a.m., as strictly confidential. Marshal has just told me that he has not extended the same privilege to other Legations.

⁵⁸ Telegram No. 489, July 25, noon.⁵⁹ See *supra*.

As he has also requested me not to report on recent military events without first talking things over with him I am holding my 496⁶⁰ and 497⁶¹ for the present. Department's 324, July 27.⁶² Am making preparations to move to Belgian Legation at a moment's notice. I have requested and have received sentries for our present Legation and the American hospitals.

ENGERT

124.846/56 : Telegram

The Secretary of State to the Minister Resident in Ethiopia (Engert)

WASHINGTON, July 29, 1936—6 p.m.

326. Your 493, July 28, 8 a.m. and 498, July 28, 4 p.m. The Department is most appreciative of the arrangements made by Marshal Graziani. It seems unlikely, however, that the matter can be kept confidential since your 493 was sent *en clair* before you were advised that similar arrangements had not been made for the other legations. Furthermore, it is altogether probable that your code messages sent via radio will be picked up by parties for whom they are not intended and the fact will soon become known that you are sending in code.

Undoubtedly Marshal Graziani foresaw these possibilities and decided to accord us exclusive privileges on the ground that the United States is not concerned in the European aspects of the Italo-Ethiopian situation. Obviously the nature of American interests in Ethiopia sets this country apart from European Powers and furnishes a reasonable justification for according us a confidential means of communication not necessarily granted at this time to those Powers.

It is to be hoped that if the situation becomes known (as it surely must) to the other interested Powers they will refrain from using our case as a basis for demanding similar treatment. If the privilege of communicating in code were withdrawn from your Legation the action could not possibly benefit the other legations. On the contrary, they might in case of emergency suffer because of your lack of a confidential means of communication.

You may make discreet use of the foregoing in any discussions which you may find it necessary to have in this matter.

HULL

⁶⁰ July 28, 11 a.m.; not printed.

⁶¹ July 27, noon, p. 275.

⁶² *Ante*, p. 275.

124.842/149

Memorandum by the Chief of the Division of Near Eastern Affairs (Murray)

[WASHINGTON,] July 29, 1936.

During a call from the British Ambassador this afternoon I conveyed to him, at the Secretary's suggestion, a full account of the most recent developments respecting the use of the legation radios in Addis Ababa and requested him in advance to ask his Government to regard this information as strictly confidential for the time being and not to be used in any manner that would be detrimental to the interests of this Government.

I explained to the Ambassador that after the order of July 8 suspending for a period of two weeks the use of the legation radios for transmitting purposes we had made strong representations in Rome along the lines of those made by the other interested Powers. I recalled to him furthermore that I had shown him the text of the strong protest we had made to the Italian Government over the decree issued by Marshal Graziani on July 21 abolishing the right of the legations at Addis Ababa to send messages to their governments in code. The point I wished to make to the Ambassador was that we had at no time requested nor expected any exceptional treatment in this matter at the hands of the Italians.

In a telegram sent by Engert *en clair* yesterday morning at eight o'clock we were informed that Marshal Graziani had advised Mr. Engert that there would be no objection to his transmitting messages to his Government in code. Only at four o'clock yesterday afternoon did Mr. Engert learn that this privilege was to be granted exclusively to him and was not to be accorded to other foreign representatives in Addis Ababa.

I told the Ambassador that I had discussed this matter with the Secretary and was instructed to inform Sir Ronald that this Government, in accordance with its past practice, desired to deal in all frankness with the British Government. The Secretary desired me to point out that under the unusual circumstances now prevailing it could serve no useful purpose for the British Government to invoke Marshal Graziani's special favor to Mr. Engert as a means of obtaining a like privilege for the British representative in Addis Ababa. On the contrary, we were convinced that any such effort would merely result in depriving Mr. Engert of the use of code messages without affecting in any way the present ban on the use of code messages by European representatives in Ethiopia. Such being the case, I wished to re-emphasize the Secretary's desire that the information I had conveyed

to the Ambassador on this subject not be utilized in any representations on this subject to the Italian Government nor employed in any manner that might affect the interests of this Government.

I explained furthermore to the Ambassador our view that it would be far better for all concerned, including particularly the British, to see maintained the recently accorded code privilege to Mr. Engert. I assured the Ambassador, in accordance with the Secretary's suggestion, that we should be only too glad to furnish him in confidence any information received henceforth from Mr. Engert that might be of particular concern to the British Government. I also pointed out that in case of any unexpected emergency requiring urgent communication between the British Chargé d'Affaires in Addis Ababa and his Government Mr. Engert would stand ready to assist the British Chargé in any practicable way.

The Ambassador thanked me profusely for acquainting him with this situation and said he concurred wholeheartedly in the Department's viewpoint and would so state in communicating the information in confidence to his Government.

The Ambassador went on to say that he fully expected a "first-class massacre" in Addis Ababa in the not too distant future. He said one only had to recall the experiences of the Italians in subduing Libya to realize that they were given to such drastic action in times of near panic. It was the Latin way of doing things, he said, to resort to massacre in order to impress native populations with the authority of Rome.

WALLACE MURRAY

124.846/61 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, August 3, 1936—9 a.m.

[Received August 3—6 : 36 a.m.]

506. My 498, July 28, 4 p.m. Was officially informed last night that cipher communications between legations and their respective governments are now again permitted.

ENGERT

124.842/148 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, August 3, 1936—10 a.m.

[Received August 3—9 : 45 a.m.]

507. Following is background to my 489, July 25th⁶³ and 493, July 28th. The Marshal sent for me and told me rather naively that he

⁶³ See telegram No. 95, July 27, 10 p. m., to the Chargé in Italy, p. 305.

had just received instructions from the Duce himself to maintain cordial relations with the American Legation because the Italian Government was animated by the most friendly sentiments towards the United States. He added that Count Ciano wished his personal greetings conveyed to me as he had pleasant recollections of our associations in China and wanted to assure me that none of the recent measures regarding radio stations and ciphers was at any time directed against me or the American Legation. There were, however, he said "certain Legations which you know and I need not mention" whose discretion and impartiality the Italian Government did not trust and therefore wished to prevent from broadcasting fanciful and spurious news to the detriment of Italian interests.

I thanked the Marshal for his frankness and requested him to remember me very cordially to Count Ciano. I then said that I felt the best proof of friendly feelings would be if he restored to me the right to use my codes in communication with Washington. He replied that he personally saw no objection and in my presence gave instructions that recommendations in that sense be telegraphed to Rome. I assume the message I mentioned in my 493, July 28, 8 a.m., was the result of his suggestion to the Italian Government.

In the course of our conversation Graziani also referred to his speech from which certain passages were quoted in my 487, July 24th⁶⁴ and stated that circumstances obliged him to use such surplus language although he had no intention of hurting the feelings of all foreigners. This remark and the way he said it left me with the distinct impression that Rome had read my 487 which was *en clair* and had instructed him to make sure that his references to foreign interests and intrigues, et cetera, would not be interpreted as including the United States.

ENGERT

124.842/141 : Telegram

The Secretary of State to the Chargé in Italy (Kirk)

WASHINGTON, August 3, 1936—2 p.m.

100. Department's 93, July 24, 4 p.m. Mr. Engert was officially informed on August 2 that cipher communications between the legations in Addis Ababa and their respective governments are now again permitted.

In view of this favorable development the Department is not inclined to instruct you to press the Italian Government at this time to permit our Legation to use its radio for the transmission of messages.

⁶⁴ Not printed.

The Department would, however, be interested to receive any information that may be discreetly obtainable as to the action, if any, contemplated in the latter connection by any of your colleagues.

HULL

765.84/5031 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, September 13, 1936—9 a.m.

[Received 2:45 p.m.]

551. Yesterday at 1:30 p.m. while my family and I were at luncheon, nine Ethiopians whom the Italians are pleased to call "rebels" were publicly executed by a firing squad directly in front of the Legation and less than a hundred yards from one of our gates.

In a personal letter to Marshal Graziani I have protested against this outrage as showing "complete disregard of the most elementary feelings of decency and propriety" and have requested that the officer responsible for the selection of the place of execution be severely reprimanded. I added that I would not in future tolerate the perpetration of such horrors at the Legation's doorsteps.

I shall telegraph as soon as I receive a reply.

ENGERT

765.84/5035 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, September 14, 1936—1 p.m.

[Received 5:45 p.m.]

554. My 551, September 13, 9 a.m. Marshal Graziani sent his principal assistant, Colonel Mazzi, to the Legation this morning with instructions to extend to me the Marshal's most profound apologies for the occurrence which he deplored more than he could say. The Marshal had no idea where these executions were to take place or he would not have permitted them. He had not only reprimanded the responsible officer but had punished him and he wished to assure me that I should never again have occasion to complain of such lack of consideration.

Even before the Colonel arrived, the Italian military had begun to dig up the bodies which had been buried where they had fallen and whose removal I had very peremptorily demanded in my letter.

So far as I am concerned the incident is closed. Ghastly though it was, I am glad it afforded me an opportunity to tell the Marshal what truly civilized people think of such methods. The Department will

see from my letter, a copy of which is being mailed,⁶⁵ that I did not mince matters and I gather from Mazzi's conversation the above has had the sobering effect on them all, which I hoped it would have.

ENGERT

765.84/5031 : Telegram

The Secretary of State to the Minister Resident in Ethiopia (Engert)

WASHINGTON, September 14, 1936—6 p.m.

353. Your 551, September 13, 9 a.m. While it is of course regrettable that the Italian authorities should have chosen a spot so near our legation to carry out the execution of rebels, I am surprised that you have seen fit without consulting me to address a written protest to Marshal Graziani couched in such violent language.

If any action appeared desirable before consulting the Department it would seem that you might have confined yourself in the first instance to a courteous oral inquiry of the Marshal as to the reasons why the executions were carried out so near the Legation. In view of the friendly spirit which the Marshal has repeatedly shown in matters of concern to this Government I cannot believe he would have failed in the present instance to have given sympathetic consideration to any reasonable request you might have made.

I note that in your letter to the Marshal you have stated that you "will not in the future tolerate the perpetration of such horrors at the Legation's doorsteps." The impropriety of such a threat should be obvious to you in the absence of any knowledge that the Department concurred in the step you have taken and would be prepared to support you in making any such an unenforceable demand.

You should bear constantly in mind the delicate position of our diplomatic mission in Ethiopia and the fact of Italian military control and you should carefully refrain from any act that might aggravate the situation, and create needless problems for the Department.

HULL

765.84/5038 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, September 15, 1936—noon.

[Received 6 p.m.]

557. The Department doubtless received my 554, September 14, 1 a.m. [*p.m.*] shortly after its 353, September 14, 6 p.m. was despatched.

I regret very much that the tone of my letter to Marshal Graziani

⁶⁵ Not printed.

caused you anxiety and I need hardly assure you that only the most exceptional circumstances seem to warrant it. As indicated in my 551, I had been careful to mark it "personal" but was fully conscious of its unusual nature and therefore wished the Department to know the most salient statements it contained. As on many occasions in the past, several of which I never even reported, I was anxious to avoid involving the Department officially. The Marshal was, of course, aware that I was not acting under instructions but was merely giving vent to personal feelings which had been outraged.

Even so I should have hesitated to send him the letter had not my relations with him been such that I felt almost certain he would understand and even that he has appreciated it. He has been extremely rude to some of my diplomatic colleagues—notably the French Minister—and has treated me comparatively decently only because he realized from the very beginning that I would not permit him to bully me. He is a bluff soldier and quite impervious to diplomatic niceties but I have so far always found him responsive to frankness and fair comments. I admit, of course, it would have been safer to take the matter up orally but I was frankly too shocked by the occurrence to be able to discuss it with any degree of calmness. I had said nothing when Bishop Petros was executed only about a quarter of a mile from the Legation and I now felt it was high time something was done about these public executions at odd street corners.

As I anticipated the Marshal saw at once that unnecessary offense had been caused not only to the Legation but to my family and myself personally and was ready to make amends. Colonel Mazzi told me the Marshal was so upset by my letter that he could not eat his dinner and again and again referred to the incident as "inexcusable stupidity".

I shall soon call on Graziani on some other business and shall give him to understand how much I appreciate his courteous attitude toward the Legation.

ENGERT

765.84/5179 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, February 18, 1937—2 p.m.

[Received 6:55 p.m.]

44. My 398, June 6, 1936. The Italian Governor of Addis Ababa called this morning and requested me to instruct American nationals to comply with the provisions of the municipal ordinance. I replied that I had already 9 months ago advised American citizens to uncover in the normal American manner when meeting the Marshal or passing Italian national or regimental colors and I believed they had done so.

The Governor then pointed out that the ordinance required that persons on horseback must dismount and if in a car they must get out.

I expressed surprise that after these many months an attempt should be made to enforce that particular provision. I said that I had never heard of any similar requirements in any part of the civilized or uncivilized world; that it smacked of medievalism and reminded me of what a Spanish Viceroy of Peru might have required in the sixteenth century; and that I personally considered it frankly too unreasonable to instruct my colony to comply with it without specific instructions from my Government. The Governor then said it had nothing to do with "governments" but only referred to private citizens and there was no desire to apply it to foreign diplomatic or consular officers. I remarked that I had, of course, taken that for granted but that diplomatic and consular horses or mules or even cars were not always readily distinguishable from those belonging to ordinary mortals and that consequently unpleasant incidents would be almost unavoidable. We parted with a promise on my part to refer his request to the Department.

The Governor (see Legation's despatch No. 156, July 8⁶⁶) was Chief of Cabinet when Graziani first arrived but was so rude to the British and French Ministers that they virtually insisted on his removal. Since then we have had few contacts with him but he has remained the most objectionable of all the higher officials here (see also my telegram 399, June 6, 3 p.m.). I feel personally convinced that the Marshal had little or nothing to do either with the original order or with the present desire to apply it to foreigners. I therefore venture to suggest that a hint in Rome would probably suffice to cause the matter again to be dropped.

In the meantime I shall consult with my principal colleagues.

ENGERT

765.84/5186 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, February 23, 1937—11 a.m.

[Received February 24—9 a.m.]

54. My 44, February 18, 2 p.m. The Governor sent an officer to the Legation this morning to inform it that the ordinance in question would not be enforced as regards the clause to which I objected.

ENGERT

⁶⁶ Not printed.

VIII. Restriction by the Italians Upon Trade and Commerce in Ethiopia

665D.006/A : Telegram

The Secretary of State to the Minister Resident in Ethiopia (Engert)

WASHINGTON, September 26, 1936—1 p.m.

360. Please submit a comprehensive report on Italian trade regulations in Ethiopia, including data on foreign exchange restriction, etc., and complete information as to the effect of such measures upon American trade.

HULL

665D.006/1 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, September 29, 1936—10 a.m.

[Received 7 : 40 p.m.⁶⁷]

565. I was about to bring to the Department's attention certain difficulties encountered by importers of American goods when I received the Department's 360, September 26, 1 p.m. The following brief observations constitute all that can be said on the subject at the present moment :

1. Although in paragraph 6 of Italy's note to the League of last June,⁶⁸ the Italian Government promises "to guarantee freedom of transit and communications and fair treatment for the trade of all countries", there have been many indications during the past 5 months that the Italian authorities in Ethiopia have no present intention of keeping that promise. A number of importers of foreign merchandise have told me Italian officials have openly said in conversation that as far as possible only Italian goods would be allowed to come in so as to reimburse Italy for the expenses of the war. Such statements are, of course, never made officially or in writing.

2. As regards specifically American articles, the following cases have recently come to my attention :

(a) The Ford agent tells me he could sell hundreds of cars, but all his efforts to obtain import licenses have been fruitless. The latest refusal was charged against the congested conditions of the railroad.

(b) A merchant desiring to import Remington typewriters was verbally told "Italian typewriters are good enough for us", but the official refusal merely said they could not sell him any dollars at present.

⁶⁷ Telegram in two sections.

⁶⁸ For summary of Italian note, see telegram No. 242, June 30, noon, from the Chargé in Italy, p. 173.

(c) Similar reply was made to another dealer who wished to import Chrysler and Plymouth cars.

(d) A request to import Ever-Ready batteries was refused without any reason being given.

3. On the other hand Italian goods of every description, notably, for example, Fiat cars, are beginning to arrive in large quantities. It is quite obvious that preference is being given to articles from Italy, not only as regards import licenses but also as regards permits to ship by/from Djibouti, and the purchase of foreign exchange. I also understand that there is much graft connected with all three operations.

4. Arbitrary decisions which discriminate against goods of non-Italian origin are greatly facilitated by the confused banking and exchange situation which has not improved since the Legation's 451, July 3, 7 p.m. and 543, September 2, 11 a.m. See also my despatch No. 158, July 17.⁶⁹

5. As the Legation, despite repeated requests, finds it extremely difficult to obtain copies of decrees when issued, it is not certain that we have all regulations regarding trade, et cetera. The principal ones appear to be:

(a) Decree of May 29, 1936, prohibiting exportation of precious metals coined or bullion (Legation's telegram 383, May 31, 11 a. m.).⁷⁰

(b) Decree of June 9, prohibiting exportation of foreign or Italian paper money, securities, drafts or any other form of exchange without previous authorization (Legation's telegram 420, June 14, 11 a.m.).⁷⁰

(c) Ministerial decree of June 10, published by the Ministry of Finance in Rome, prohibiting exportation of Italian banknotes to or importation from Italian possessions.

(d) Decree of June 20 establishing register of all merchants. Export or import licenses to be granted only to registered firms.

(e) Decree of June 22, requiring previous authorization for the exportation or importation of merchandise and for the purchase and exportation of foreign exchange.

ENGERT

665D.006/1 : Telegram

The Acting Secretary of State to the Minister Resident in Ethiopia
(Engert)

WASHINGTON, October 7, 1936—4 p.m.

367. Your 565, September 29, 10 a.m. Please continue to keep the Department informed of difficulties encountered by local importers in importing American goods and furnish complete details by mail.

⁶⁹ None printed.

⁷⁰ Not printed.

Although the Department does not desire to raise the general question of obstructions against American trade in Ethiopia at this time, it has no objection in such individual cases as are brought to your attention to your endeavoring informally to facilitate the entrance of American products by supporting applications for import licenses, shipping permits and allocation of dollar exchange.

CARR

665D.006/2: Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, October 10, 1936—11 a.m.

[Received October 11—1 a.m.]

581. Department's 367, October 7, 4 p.m. Since my 565, September 29, 10 a.m., my attention has been called:

1. To an attempt of a local dealer to import about 500 cases American gasoline, 500 kerosene and some lubricating oil. Permission was refused and no reason given.

2. Another large dealer who is the agent for an American oil company and General Motors cars was told emphatically but orally that no non-Italian products were wanted and there was no use apply for import licenses. He did, however, obtain permit to import small quantity of spare parts for American cars which he had previously sold.

3. It appears kerosene can only be imported through the Italian petroleum monopoly and that a virtual monopoly for the sale of gasoline has been given to a local Armenian merchant.

4. The Legation is unofficially trying to assist importers in these and the other cases already reported.

ENGERT

665D.006/5

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

No. 9

WASHINGTON, October 23, 1936.

SIR: The Minister Resident and Consul General at Addis Ababa reported recently to the Department that there have been many indications during the past five months that the Italian authorities in Ethiopia have no present intention of keeping the promise "to guarantee freedom of transit and communications and fair treatment for the trade of all countries" which the Italian Government expressed in paragraph six of its note of last June to the League of Nations.

A number of importers of foreign goods have informed the Minister Resident that Italian officials have openly stated in conversations that

as far as possible only merchandise of Italian origin would be allowed to enter Ethiopia so that Italy may be reimbursed for the expenses of the war. In the case of American goods, it appears that the Italian authorities have refused to issue the necessary import licenses in certain instances without giving any reason whatsoever, and in other instances the refusal has been based on the congested conditions of the railroad or on the grounds that they were unable to sell dollar exchange.

On the other hand, the Minister Resident points out that large quantities of Italian goods of every description are commencing to arrive and that it is quite obvious preference is accorded such goods as regards import licenses, permits to ship by or from Djibouti and in the purchase of foreign exchange. The Minister Resident adds that it is his understanding that the confused banking and exchange situation greatly facilitates the arbitrary decisions which discriminate against goods of non-Italian origin.

The Department has informed the Minister Resident that it does not desire to raise the general question of obstructions against American trade in Ethiopia at this time, although it has no objection in such individual cases as are brought to his attention for him to endeavor informally to facilitate the entrance of American products by supporting applications for import licenses, shipping permits and allocations for dollar exchange.

It is requested that you take up the matter of obstructions to the importation of goods of non-Italian origin into Ethiopia informally with the appropriate French authorities with a view to ascertaining what, if any, action the French Government is taking in order to insure the application of non-discriminatory treatment to French goods imported into Ethiopia.

As of possible interest in this connection there is enclosed a copy of a despatch of August 20, 1936, from the Consulate General at Addis Ababa,⁷¹ concerning economic conditions in Ethiopia during the first half of 1936.

Very truly yours,

For the Secretary of State:
FRANCIS B. SAYRE

665D.006/4

*Memorandum by the Chief of the Division of Near Eastern Affairs
(Murray)*

[WASHINGTON,] November 2, 1936.

During a call from the Italian Ambassador⁷² on another matter on October 30, I asked him whether he had any information regarding

⁷¹ Not printed.

⁷² Fulvio Suvich.

the policy of his Government with respect to foreign trade with Ethiopia. I mentioned that according to our information it had become practically impossible for any non-Italians to do any business with or in Ethiopia. I made reference in this connection to the Italian statement of policy read at the League Assembly on June 30, 1936, in which the Italian Government undertook to accord "fair treatment" to foreign trade with Ethiopia.

In reply the Ambassador stated that while he was not fully informed on this subject, he did know that the Italian authorities in Ethiopia had pointed to the fact that there are as yet no clearly defined frontiers between Ethiopia proper and the adjoining Italian colonies and that for the time being it is impossible to distinguish between trade with those colonies and Ethiopia proper. In other words, I gathered from the Ambassador's remarks that, for the time being at least, Ethiopia has been assimilated to the adjoining Italian colonies as far as trade is concerned. The chances, therefore, of any resumption of foreign trade with Ethiopia along the lines existing before the Italian conquest are very slim in the absence of steps by the Italian Government to give effect to the promises made to the League Assembly on June 30, 1936.

The Ambassador remarked, with a smile, that he was quite familiar with the above-mentioned promises to the Assembly since he himself drafted them and he had purposely used the phrase "fair treatment" in view of the uncertainty of the situation.

WALLACE MURRAY

665D.006/7

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

No. 189

PARIS, December 15, 1936.

[Received December 24.]

SIR: I have the honor to acknowledge the receipt of the Department's instruction No. 9 of October 23, 1936, with regard to the attitude taken by Italian officials in connection with the importation into Ethiopia of foreign goods other than Italian.

This matter was taken up informally with the Foreign Office which advised the Embassy that no specific cases have been brought to its attention in which the Italian authorities in Ethiopia had refused to issue a permit for importation into Ethiopia of French goods. However, the Foreign Office understands that the Italian authorities are probably following such a policy and there have been specific instances in which they have refused to grant a visa for agents of French commercial firms to enter Ethiopia. Also, the Italian authorities have, in the case of representatives of French commercial firms residing in Ethiopia who desired to leave the country, refused to

grant them an *aller et retour* visa and only granted them one to leave the country. The French Government has made no *démarche* to the Italian Government on this matter.

The Foreign Office stated that most of the goods at present imported into Ethiopia are for the Italian Army of Occupation and that the facilities of the railway are not great enough to enable them to transport all of the goods necessary for that Army.

The Foreign Office likewise said that when French commercial firms requested information or advice as to the possibility of trade with Ethiopia, they were discouraged from attempting such trade.

Respectfully yours,

For the Ambassador:
EDWIN C. WILSON
Counselor of Embassy

IX. Repressive Measures by the Italian Authorities Against Foreign Missionary Activities in Ethiopia

384.1162 Seventh Day Adventists/6 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, May 14, 1936—5 p.m.

[Received May 14—3:30 p.m.]

340. Italian doctor who is director of sanitation called at Seventh Day Adventist Mission this afternoon and informed them that the Italians desired to take over their hospital. He implied that this was not because of a temporary military emergency but the settled policy of his Government. He was informed that the matter was being referred to the Legation.

I respectfully suggest that the Department send for L. H. Christian of the General Conference Seventh Day Adventists, Washington, who I understand is thoroughly familiar with the legal aspects of the mission's tenancy. Contract with the Ethiopian Government shown me still has 16 years to run.

Should the Italian military authorities in the meantime attempt to take possession of the hospital I shall of course protest.

ENGERT

865D.404/7

The Minister Resident in Ethiopia (Engert) to the Secretary of State

No. 193

ADDIS ABABA, October 15, 1936.

[Received December 8.]

SIR: I have the honor to report that on October 13, 1936, there arrived in Addis Ababa Monsignor Gian Maria Emilio Castellani, Archbishop of Rhodes, in the capacity of Apostolic Visitant for Ethiopia on special mission.

The arrival of this emissary of the Pope is connected with the organization of the activities of the Roman Catholic Church in the new "Empire". Already several months ago it became known here that the Pope had appointed a committee, consisting of a number of cardinals and other church dignitaries, to study the problems presented by the conquest and "annexation" of Ethiopia. Two phases of the situation are understood to have received special attention, viz (a) the ministering to the spiritual needs of the present and future Italian population in East Africa, and (b) the continuation and extension of missionary activities among the natives.

With respect to the white settlers it may be assumed that the system of ecclesiastic hierarchies in vogue in Italy will, as far as practicable, be instituted in Ethiopia. At present there are three Apostolic Vicariates and two Apostolic Prefectures in Ethiopia. The Vicars are titular bishops acting as delegates of the Apostolic See, while the Prefects are priests with similar powers but without episcopal rank. All are under the supervision of the "Sacra Congregatio de Propaganda Fide" in Rome, which is said to be organized as a sort of "Colonial Office" to the Vatican.

I understand that in future all of Italian East Africa will be divided into about a dozen vicariates and prefectures, and that the Abyssinian hinterland which hitherto went with the prefecture of Djibouti will be attached to the nearest prefecture in Ethiopia.

Missionary work is to be carried out chiefly by the religious orders of the Salesians and Capuchins, both of whom have in the past been active in this part of the world. The French Lazarists who have been working in Ethiopia for nearly a century will probably not be permitted to continue. The religious orders are to be assisted by an organization called "Italica Gens" which will interest itself chiefly in the construction of hospitals and schools.

It seems certain that in their vision of an Italo-African empire the Church and State in Italy will find it convenient to march side by side. Having made his peace with the Pope the Duce—following the example of France—will be quick to seize every opportunity to use the Church for the strengthening of Italian political influence abroad. From personal observation I know that in Egypt and Palestine, for example, the Italian Government has during the past few years made great efforts to impress the Near East with this alleged powerful partnership between the Latin Church and Fascist Italy. And after the serious setbacks the Roman Catholic Church has recently suffered in Spain and Malta it may be assumed that it will eagerly welcome a chance for expansion elsewhere. As a significant indication of the

spirit animating the collaboration between the spiritual and secular powers in Ethiopia the following utterance by Mgr. Castellani may be quoted :

“Italy is the country God has designated to bring to the world an ever higher civilization which will also redound to the glory of the Church. That is why God is always on our side, for he knows that Italy is worthy of assuming such a lofty mission. It will be the Empire of Rome that will carry the Cross of the Christ thanks to the stupendous work of the man with that wonderful personality—the Duce.”

It is as yet too early to speculate upon the effect the preponderant position of the Roman Catholic Church in Ethiopia will have upon American and other Protestant missionary activities. Although Marshal Graziani told a British missionary last June that inasmuch as Italy had proclaimed religious liberty his work could go on, there have been many indications that the Italian authorities are not very friendly disposed towards them. It seems likely that the general attitude of the Roman Church in other parts of the Near East, as well as in the Far East, will also obtain here, namely a spirit of opposition to American and British missionary endeavors not only on the ground that they are heretical, but for political reasons because they are known to have successfully spread Anglo-Saxon culture and the use of the English language.

Respectfully yours,

C. VAN H. ENGERT

365D.1163/33

The Minister Resident in Ethiopia (Engert) to the Secretary of State

No. 209

ADDIS ABABA, November 21, 1936.

[Received January 15, 1937.]

SIR: I have the honor to transmit herewith a copy of an interesting questionnaire, in Italian and in translation, which Mr. James L. Rohrbaugh recently submitted to the Italian authorities regarding their attitude towards Protestant, and more particularly American, missionary activities in Ethiopia.

Mr. Rohrbaugh, who was formerly connected with the Sudan Interior Mission and now represents the Independent Presbyterian Board of Foreign Missions, also writes occasionally for the United Press in the United States. However, he assures me that he neither telegraphed nor mailed the contents of the questionnaire to the United Press, but that he did send a copy of it to a religious periodical in the United States which had suggested the idea to him.

As the answers to the questions were only given after several weeks of careful consideration by the highest Italian authorities in this city they may be considered as official. The Department will therefore note with interest the assurances that missionaries who had been obliged to abandon their stations would be permitted to return to them; that they would be free to preach, so long as they confined themselves to religion; and that they could proselytize among the pagans if they wished.

The Department's attention is more especially invited to Question (5) and the answer to it which contains a veiled reference to "non-sanctionist" nations during the recent Italo-Ethiopian war, and which goes so far as to promise that if in future the Italian authorities should find it necessary to discriminate between missionaries of different nationalities, American missionaries would receive more favorable treatment.

Respectfully yours,

C. VAN H. ENBERT

[Enclosure—Translation]

Questionnaire Concerning Italian Attitude Toward Missionary Activities

(1) Q. Is it true that the official policy of the Government will be that missions may continue their work so long as they do not interfere with the Government or the State?

A. Yes, the missions will be permitted to explain their objects, provided they remain within the limits of their religious activities and do not act contrary to the laws of the State.

(2) Q. Will the missionaries who have abandoned their stations during the war and disorders be permitted to return to them?

A. Yes, provided that in the past they were not engaged in anti-Italian propaganda, and that their previous places of residence have not proved unsuited for the carrying out of their work.

(3) Q. Will it be necessary for Protestant missionaries to obtain permits from the Government in order to preach in Addis Ababa or in the interior, or will they have complete liberty as was the case under the old régime?

A. Protestant missionaries will be free to preach, provided they limit themselves strictly to the religious field.

(4) Q. Do the official declarations regarding freedom of worship include the right to effect conversions among the pagan tribes?

A. There is no objection to the missions' proselytizing among the pagans.

(5) Q. Many people in this city are under the impression that the Government is more friendly disposed towards American missionaries than towards those of other nationalities. Is this true and intentional,

and if so may it be said that it is an indication of friendship towards America because of the long friendly relations between the Italian and the American Governments?

A. It is a fact that the Italian Government cannot forget those nations which during the Italo-Ethiopian conflict have been most benevolent to it.

If, in the future, it should be necessary to make any distinctions between the missionaries of the various countries it is certain that, as far as possible, those from North America will be favored.

365D.1163/5 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, December 2, 1936—5 p.m.

[Received 10:35 p.m.]

665. I have just learned that the Italian authorities have decided to expropriate the entire Sudan Interior Mission property in Addis Ababa including their leper hospital "for political and sanitary reasons."

I shall confer with my British colleague as the organization is an Anglo-American one but respectfully suggest that the Department inform the mission's headquarters of the decision and obtain, if possible, an indication of their policy and intentions.

Confidentially, I believe this is the entering wedge by means of which the Italian authorities desire to get rid of all American missionary effort in this country.

ENGERT

365D.1163/8 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, December 6, 1936—8 p.m.

[Received December 7—8:15 p.m.⁷³]

670. Legation's 666 [665], December 2, 5 p.m.

1. Decree is dated November 27 but was not published. I have only seen unsigned carbon copy which had been given to Sudan Interior Mission by the Italian authorities on December 2.

2. Preamble speaks of "necessity of effecting in favor of the Governor General of Italian East Africa the requisitioning of the entire property of the said mission which may even indirectly serve" in the work of the leprosarium.

⁷³ Telegram in two sections.

3. Article 1 states that all buildings whatsoever including residences of staff and mission headquarters at Akaki and Furi near Addis Ababa are requisitioned together with their entire contents, equipment, furniture, et cetera, excepting only personal belongings of the missionaries. Article 2 provides for a commission which is to make a list of the requisitioned properties and in consultation with the mission estimate its fair value.

4. There are at present 14 American citizens connected with the Sudan Interior Mission in Addis Ababa alone without counting those in the provinces. The leprosarium established by the American mission to lepers in New York is run by the Sudan Interior Mission on behalf of the American organization but is not otherwise connected with the Sudan Interior Mission. I understand that both properties are held under a 30 years lease.

5. When representatives of the mission requested the Italian authorities to postpone action until they had had time to communicate with their home offices they were told that the decree was now in force and that the Italian commission (see paragraph 3 above) would proceed with the appraisal of the properties even without the cooperation of the mission.

6. As I question the legality of the requisition of foreign property without the slightest pretext of military necessity I am informing the military authorities that pending instructions from my Government I reserve all rights on behalf of the American interests involved. I am also explaining to him the difference between the leprosarium and the Sudan Interior Mission. My British colleague is taking similar action on behalf of his nationals and interests.

7. I am given to understand that the American mission to lepers might be willing to cede the leprosarium to the Italian authorities. However, if that is the case I strongly urge that it be done without reference to the decree and only against full compensation. I feel that until we have recognized Italian sovereignty in Ethiopia we cannot consistently recognize the right of the political as distinguished from the military authorities to seize American property. For if we do in this instance I am perfectly certain Italian decrees will soon follow requisitioning the remaining American institutions and thus virtually expelling all American citizens. That American missionaries will eventually find it impossible to work under Italian rule seems more than likely, but it would be far more dignified if, when the proper time comes, our institutions closed their doors of their own accord instead of yielding to the crude pressure it might seem determined to apply.

ENGERT

365D.1163/8 : Telegram

*The Acting Secretary of State to the Minister Resident in Ethiopia
(Engert)*

WASHINGTON, December 8, 1936—5 p.m.

398. Your 670, December 6, 8 p.m. Please avoid taking any position that will raise question as to the status or recognition of Italian Government in Ethiopia. Your effort should be confined to having American interests given ample opportunity to present evidence of value of property requisitioned and prevent any unreasonable delay in payment of amount of compensation determined. You will know whether appeal will be allowed from Commission finding should it be unsatisfactory.

Information is now being sought from the Sudan Interior Mission, and since its headquarters are in Canada, there is possibility that American interests are not predominant. Will inform you as to this.

Do you consider that any useful purpose would be served by our endeavoring to obtain postponement of requisition proceedings through the Embassy at Rome?

MOORE

365D.1163/13 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, December 9, 1936—5 p.m.

[Received 8:08 p.m.]

674. Department's 398, December 8, 5 p.m. I believe it would be very helpful if a postponement of requisition proceedings could be suggested to Rome as that is precisely what I have requested of the Marshal who has doubtless referred the matter to Ministry of Colonies.

ENGERT

365D.1163/13 : Telegram

The Acting Secretary of State to the Ambassador in Italy (Phillips)

WASHINGTON, December 10, 1936—8 p.m.

178. By unpublished decree dated November 27 Italian authorities requisitioned entire property of the Sudan Interior Mission including all buildings, residences of staff and mission headquarters at Akaki and Furi near Addis Ababa, together with entire contents except personal belongings of missionaries. Decree provided for a commission

to make list of properties and in consultation with mission to estimate a fair value. Copy of decree was handed mission only on December 2. Italian authorities refused request of mission for postponement of action to permit consultation with mission headquarters and apparently Italian commission is to proceed with appraisal of properties without cooperation of missionaries.

Sudan Interior Mission appears to be partly American and partly Canadian and British. The Department is now endeavoring to ascertain the extent of the American interest. Meanwhile Engert has been instructed to avoid taking any position which will raise question as to status or recognition of Italian Government in Ethiopia and to confine his efforts to having American interests given ample opportunity to present evidence of value of property and to prevent any undue delay in payment of compensation.

Engert reports it would be helpful if postponement of requisition proceedings could be suggested at Rome. He has made a similar request of Graziani who probably referred question to Ministry of Colonies.

Unless you perceive some objection please take this matter up with appropriate authorities and, after pointing out the haste with which the requisition was made, request postponement of proceedings so that American interests involved may have sufficient opportunity to give consideration to a matter of importance to them.

MOORE

365D.1163/16 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, December 14, 1936—1 p.m.

[Received 6:47 p.m.]

679. Department's 399, December 10, 8 p.m.⁷⁵ British Legation informs me that London has likewise made representations to the Italian Government.

ENGERT

365D.1163/19 : Telegram

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

ROME, December 18, 1936—5 p.m.

[Received December 18—2:40 p.m.]

537. Department's 187, December 17, 7 p.m.⁷⁵ The British Embassy here has received instructions to protest the action of the Italian

⁷⁵ Not printed.

authorities in the matter of the requisition of the Sudan Mission property. Official representations will be made probably early next week and the British Ambassador has promised to keep me informed.

In the meanwhile he is investigating through the British Legation to the Holy See a report that this confiscatory decree was inspired at the instance of the Vatican which in return for the support afforded Italy during the Abyssinian war is desirous of getting rid of all Protestant missions in Ethiopia.

PHILLIPS

365D.1163/21 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, December 22, 1936—3 p.m.

[Received 11:30 p.m.⁷⁶]

690. Department's 399, December 10, 8 p.m.⁷⁷ Marshal Graziani asked me to call this morning and referring to a letter I had written to him on December 6 requesting postponement of requisition of Sudan Interior Mission, he stated that the decision had not been his own but had been taken in Rome. He then handed me a telegram from Lessona⁷⁸ dated December 16 which said: "Please send for the American Minister and tell him that after showing him certain documents you hope he will not insist upon his request."

Marshal then gave me some five or six typewritten pages containing alleged quotations from private letters sent to their families by three members of the mission. Two of them are not American citizens. The third is Miss Jean Trout, an American citizen, but the only excerpt under her name consisted of three or four lines in which she made a rather harmless reference to "Alice" which obviously stood for the Italians. None of the quotations contained anything that was not common knowledge such as references to the cutting of the railroad, attacks on Addis Ababa, confused exchange situation, et cetera.

In handing the papers back I said I wished first of all to express surprise that an official and rather serious decision should be based on purely personal remarks alleged to have been made by missionaries in private letters which I assumed could have been obtained only by the clandestine opening of such letters by the authorities although the latter had always denied that a censorship existed. The Marshal merely shrugged his shoulders and made no comment.

I then said that only a small fraction of the evidence submitted to me concerned an American citizen and that even if all quotations had

⁷⁶ Telegram in three sections.

⁷⁷ Not printed.

⁷⁸ Alessandro Lessona, Minister of the Colonies.

been taken from American letters I should still feel that they did not warrant what virtually amounted to the expulsion of the writers. The Marshal asked me if I did not consider the passages I had read as anti-Italian. I replied that he and I had always conversed with the utmost frankness and that today too I would ask him to let me talk to him unofficially and not as the representative of my country. He said he was no diplomat but only a soldier and therefore always liked to hear the truth.

I began by telling him (what he did not know) that American missionary activities throughout the Near and Far East were nearly a century old and that they had a very fine and universally recognized record of achievement. Never in all this time had they taken part in any political movements or been guilty of intrigue against the legally constituted authorities. But I would ask him to remember that they were very human and shared many of his and my frailties. The very fact, for example, that their actions were totally devoid of political motives and that in our country we were accustomed to complete liberty of speech and conscience, might cause them to be less discreet and guarded in expressing their personal views. I begged the Marshal to bear in mind the psychological factor. Although Ethiopia was one of the most pressing fields for American missionary efforts much money had been spent and amazing results had already been achieved with hospitals, schools, et cetera, throughout the country. I then quoted the following passage from my personal letter to him of December 6th:

"I believe Your Excellency will agree with me that the American missionaries connected with the Sudan Interior Mission and Leprosarium, as well as at Baku, generous philanthropic supporters in the United States are devoting their unselfish labors to precisely those tasks of a civilizing nature which the Italian authorities themselves profess a desire to see carried out for the uplift of the natives of this country. They would, therefore, seem to be entitled to the greatest sympathy and consideration at the hands of the authorities."

In view of all this, I continued, what was more natural than that the personal sympathies of the missionaries should be largely on the side of the people among whom they were working and who had gained their affection, rather than with the strangers, whose virtues they had not yet learned to appreciate. It was in this light that any indiscreet observations they may have made should be considered.

The Marshal said he understood me perfectly but apparently the policy of his Government towards missionaries had been determined by a variety of considerations and that he was powerless. He then asked what reply he should make to Lessona. I told him I had no

objection to his reporting our conversation so long as he made its truthfulness quite clear. He said he had already telegraphed to Rome my letter of December 6th including the paragraph I had just read.

Later I had a talk with the Chief of Cabinet, Colonel Mazzi, and asked him whether he thought the decision to close the mission headquarters in Addis Ababa meant that the mission stations in the interior would also be requisitioned. He replied that this was undoubtedly the intention of the Italian Government. To my further question whether similar action was contemplated with regard to other American missionary institutions he said that he did not think so, at least for the present."

Since my 665, December 2nd, no attempt has been made to apply the decree of November 27th.

ENGERT

365D.1163/22 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, December 23, 1936—9 a.m.

[Received 5:55 p.m.]

692. My 690, December 22, 3 p.m. I have informed my British colleague of the substance of my interview. He has had no intimation of the grounds assigned by the authorities for their action.

I am informed that one of the non-American letter writers is not even a member of the mission.

ENGERT

365D.1163/23 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, December 23, 1936—10 a.m.

[Received 4:26 p.m.]

693. Among the papers handed me for my perusal at the interview reported in my 690 of yesterday⁷⁹ there was a telegram from Lessona dated November 10th which had evidently been attached by mistake. The following was the gist of it:

It is becoming increasingly evident that all missionaries in Ethiopia are hostile to Italy. With the progress of our operations in the west you should therefore make every effort to eliminate missionaries, both Europeans and Americans, as quickly as possible. We cannot tolerate hostile elements in the Empire.

ENGERT

⁷⁹ *Ante*, p. 327.

365D.1163/25 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, December 28, 1936—1 p.m.

[Received 9:40 p.m.]

700. Department's 406, December 22, 6 p.m.⁸⁰ I am making inquiries of authorities regarding the properties⁸¹ at Sayo and also at Gore.

I understand that property of Seventh Day Adventists at Debra Tabor and Ghimbi and property of Sudan Interior Mission at Debra Markos have been occupied by the Italian military. No American citizens any of these places.

ENGERT

X. Consideration by the United States Government of Withdrawing Its Representatives From Ethiopia

124.84/106a : Telegram

The Secretary of State to the Minister Resident in Ethiopia (Engert)

WASHINGTON, July 7, 1936—8 p.m.

299. Your 438, June 25, 9 a.m.⁸² In view of incident described in your 454, July 6, 10 p.m.,⁸³ and other incidents of a similar character, the question arises whether our national interests might not better be served by your departure from Ethiopia during the present uncertain situation.

In this connection please furnish latest information available regarding number and situation of American nationals in those parts of Ethiopia which have not been occupied by Italian authorities. Also furnish a frank expression of your views as to whether your continued presence in Addis Ababa is essential to the protection of these nationals and of other American nationals and interests. In the event you consider your withdrawal desirable please indicate whether you believe that any useful purpose would be served by having Cramp⁸⁴ and the staff remain on, for the time being at least. If you believe it would be desirable for Cramp to remain do you consider that he should act as Chargé d'Affaires ad interim or hold himself out merely as a consular officer? In this latter connection please bear in mind that once consular office is closed it would presumably be impossible to reestablish without requesting exequatur for newly appointed consul.

⁸⁰ Not printed.

⁸¹ Properties of the American (United Presbyterian) Mission.

⁸² *Ante*, p. 247.

⁸³ *Ante*, p. 296.

⁸⁴ William M. Cramp, Third Secretary and Consul at the Legation in Ethiopia.

Please confirm Department's understanding that only remaining chief of mission is French Minister. Also indicate status of Turkish mission and whether Greek Legation is functioning. Any information you may be able to obtain discreetly as to intentions of other Powers with respect to future representation at Addis Ababa would also be helpful.

HULL

384.11/173 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, July 9, 1936—5 p.m.

[Received July 12—9:55 a.m.]

463. Department's 299, July 7, 8 p.m. There are at present 12 American men, 11 women and 10 children in territory of Ethiopia which has not yet been occupied by the Italians. Of these only five have been heard from since May 1st (see my 449, July 1, noon⁸⁵). The others have evidently been unable to get runners through and my attempts have also been in vain. Situation essentially as anticipated in last paragraph of my 350, May 17, 9 a.m.⁸⁶

Other questions in Department's 299 will be answered in subsequent telegrams.

ENGERT

124.84/109 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, July 9, 1936—7 p.m.

[Received July 12—11:25 a.m.]

464. Your 299, July 7, 8 p.m. In order of seniority French Minister, myself and Turkish, German and British Chargés d'Affaires are career officers. Belgian and Japanese Legations each under Chargé des Affaires. Greece and Egypt have consuls only.

ENGERT

124.84/110 : Telegram

The Minister Resident in Ethiopia (Engert) to the Secretary of State

ADDIS ABABA, July 10, 1936—11 p.m.

[Received July 13—2:15 a.m.⁸⁷]

468. I have given very careful consideration to the points raised in your 299, July 7th, and referring to my 463 and 464, July 9th, the following observations are respectfully submitted.

⁸⁵ Not printed.

⁸⁶ *Ante*, p. 76.

⁸⁷ Telegram in two sections.

1. While I do not consider my continued presence here as "essential" to the protection of American interests I believe it highly desirable that I should remain at least until the fate of our missionaries in the interior has been definitely ascertained and effective steps can be taken for their protection or evacuation.

2. By departure at this particular moment when, as the Department will have gathered from telegrams 450,⁸⁸ 455⁸⁹ and 459,⁹⁰ the situation may again become serious or critical might create an unfortunate impression and have a demoralizing effect on our nationals both in the capital and in the interior. They have all shown great pluck and cheerfulness and I would not want them to feel that the Department and I were now leaving them in the lurch.

3. I do not think the possibility of unpleasant incidents should influence us unduly (personally I shall as in the past do everything in my power to avoid them although I admit that some may be unavoidable) the showdown regarding radio stations was bound to come and might have been worse.

4. I have found it extremely difficult to ascertain from my colleagues what the intentions of their respective governments are as no definite plans appear to have been made. All seem to be awaiting developments and will be guided by events as they arise. The general feeling, however, is that the situation cannot be prolonged indefinitely probably not beyond September or October and that even if annexation is not recognized the Legations will by then have died a natural death.

5. Inasmuch as they already have consular rank it is possible that a purely informal local arrangement could be worked out which would enable me to remain as long as the Department desires even after the Italians have ceased to recognize my diplomatic status which is virtually the case now. I am quite willing to act solely in a consular capacity provided the Department feels that this may offer a temporary solution. Moreover, the fact that I happen to know Italian has already proved very useful.

6. Should the Department prefer to withdraw me, Cramp, and at least one American clerk, should be kept here for the reasons indicated in paragraph 1 above. However, I am quite sure that the Italian authorities would not recognize him in any diplomatic capacity. Besides, Cramp has had no home leave since 1933 and if the question of a fresh exequatur is to be avoided he might be prevented from leaving for a long time.

ENGERT

⁸⁸ July 2, 4 p.m.; not printed.

⁸⁹ July 6, 11 p.m., p. 269.

⁹⁰ July 8, 11 a.m., p. 269.

124.84/126 : Telegram

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

ROME, November 4, 1936—1 p.m.

[Received November 4—8:40 a.m.]

441. The press here indicates that the British Government has taken steps in Washington to ascertain our views with respect to the change of status of our respective representatives in Addis Ababa and that the Secretary of State has said publicly that the Government of the United States would act on its own initiative. If these facts are accurate would it not be a good moment now for us to announce Engert's withdrawal from Addis Ababa leaving the affairs of the Legation in the hands of a subordinate consular officer? Such action would, of course, be greatly appreciated here and might well facilitate matters now before the Foreign Office.

PHILLIPS

124.84/126 : Telegram

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

WASHINGTON, November 5, 1936—7 p.m.

146. Your 441, November 4, 1 p.m. On November 1 the British Ambassador mentioned casually to an officer of the Department that his Government was considering changing the status of its representation at Addis Ababa but he refrained from inquiring regarding our plans. I have made no recent public statement on the subject.

We have thought it desirable for Engert to remain at Addis Ababa for the present in order to render assistance to the 30 or more American missionaries who are in a somewhat dangerous situation in the territory not yet occupied by Italian forces. At the same time we have contemplated sending an officer to Addis Ababa with the thought that he would take charge of our representation in a consular capacity when Engert departs upon leave of absence which he desires next spring.

HULL

124.84/129

Memorandum by the Assistant Chief of the Division of Near Eastern Affairs (Alling)

[WASHINGTON,] November 6, 1936.

The Secretary called me to his office this morning to discuss the question of our representation in Addis Ababa. I explained that we had had in mind keeping Mr. Engert there to assist in the protection of those American missionaries in the unoccupied provinces

and that it was the further intention to send a consular officer to Ethiopia who, upon Mr. Engert's expected departure on leave of absence in the spring, could take charge of the office in a consular capacity. Judge Moore²¹ inquired as to the necessity of keeping anyone in Ethiopia, and I explained that the only two reasons from a point of view of our interests were to protect our nationals and to furnish us such information as might be available respecting the Italian attitude toward our trade. Judge Moore was inclined to think that it might be possible, in view of the assistance already rendered to our missionaries and the numerous warnings given them and in view of the unimportance of our trade, to withdraw our representation entirely. The Secretary thought there might be some advantage in tapering off our representation gradually by replacing Messrs. Engert and Cramp by a consular officer in the very near future with the idea of having the consular officer remain there until the situation became somewhat more clarified, possibly only a few months. I explained that the British Government had apparently encountered no difficulty in sending two new consular officers to Ethiopia and that in so doing they had not requested exequaturs. I further explained that these British consular officers were not given recognition as such by the Italians any more than the Italians recognized the diplomatic status of the foreign missions still remaining in Ethiopia.

It was finally agreed that it would be desirable for Judge Moore and Mr. Murray to give further consideration to the matter early next week, but the view seemed to prevail that Mr. Engert should be replaced as early as possible by a consular officer. In this connection the Secretary pointed out that if the Italian Government raised any difficulty with respect to the assignment of a new consular officer the obvious action would be for us to withdraw our representation entirely.

PAUL H. ALLING

124.84/129

Memorandum by the Chief of the Division of Near Eastern Affairs (Murray)

[WASHINGTON,] November 18, 1936.

I have discussed this matter with Mr. Dunn and we are in full agreement as to the following underlying considerations in the matter of our representation in Ethiopia:

(1) Both the Secretary and Mr. Phillips, our Ambassador at Rome, desire the early withdrawal of Mr. Engert from Addis Ababa. Mr. Phillips has pointed out in this connection that the early withdrawal of Mr. Engert would greatly strengthen his hand in certain negotiations at present in process with the Italian Government.

²¹ R. Walton Moore, Assistant Secretary of State.

(2) It has been agreed that Mr. Cramp, the only other officer at Addis Ababa, should not be left in charge at that post and, for reasons of health, furthermore, must be withdrawn as soon as possible.

(3) Mr. Hughes, now on leave in this country from his post at Tokyo, has been selected to replace both Mr. Engert and Mr. Cramp for a limited period of time.

(4) In view of the stiffening attitude of the Italian Government regarding both the wording of the letters of credence of newly appointed ambassadors to Rome as well as the question of exequaturs for consular officers appointed to Ethiopia, it seems not at all improbable that the Italians may refuse to grant Mr. Hughes a visa unless we at the same time request for him an exequatur. Such a request would of course immediately precipitate the question of recognition of the Italian conquest of Ethiopia, which we are under no circumstances prepared to answer at this time.

(5) Mr. Phillips has informed us⁹² that, in response to a request from the Japanese Embassy at Rome for permission to send a consular officer to Addis Ababa, the Italian authorities stipulated that an exequatur would be necessary unless a Japanese officer serving with the Embassy in Rome were selected for such an assignment.

(6) Under the circumstances as set forth above Mr. Dunn and I are in agreement that the matter should be put up to Mr. Phillips in the sense of the attached telegram.⁹³ Among the members of Mr. Phillips' staff best qualified for the temporary assignment to Addis Ababa, Mr. Reber⁹⁴ is undoubtedly the first choice by reason of his experience in Liberia under similar circumstances.

(7) If Mr. Phillips has other and better suggestions to make, they will be elicited by the present telegram.

WALLACE MURRAY

124.84/126a : Telegram

The Acting Secretary of State to the Ambassador in Italy (Phillips)

WASHINGTON, November 19, 1936—7 p.m.

154. Department's 146, November 5, 7 p.m. The Department has in mind withdrawing Cramp from Addis Ababa and replacing him by Hughes, recently at Tokyo and now in the United States. In view of the recommendations in your 441, November 4, 1 p.m. it would be planned to withdraw Engert soon after Hughes' arrival and to have the latter take charge of our interests in a purely consular capacity. Please give us your views as to whether Italian authorities

⁹² Telegram No. 465, November 16, 4 p.m., not printed.

⁹³ Telegram No. 154, November 19, 7 p.m., *infra*.

⁹⁴ Samuel Reber, Second Secretary of the Embassy in Italy.

would be likely to insist upon our requesting an exequatur for Hughes or raise any objection to his assignment as a consular officer.

In the event such questions are likely to arise what would you think of assigning Reber to Addis Ababa for a few months during the transition period and withdrawing Engert? Such an assignment would be in line with Bastianini's⁹⁵ suggestion to the Japanese Ambassador, as reported in your 465, November 16, 4 p.m.⁹⁶

MOORE

124.84/128 : Telegram

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

ROME, November 27, 1936—5 p.m.

[Received November 27—3:35 p.m.]

491. Department's telegram 158, November 24, 5 p.m.⁹⁶ According to British Embassy Italian authorities gave visas without question to British consular officers transferred to Ethiopia stating that they would be treated as "distinguished visitors". Without exequaturs they have no official status and all official work is done through the British Chargé d'Affaires.

PHILLIPS

124.84/128 : Telegram

The Acting Secretary of State to the Ambassador in Italy (Phillips)

WASHINGTON, November 28, 1936—3 p.m.

166. Your 491, November 27, 5 p.m. According to Engert's reports Italian authorities in Ethiopia do not recognize "officially" existing chiefs of missions any more than they do recently appointed British consular officers. Under the circumstances do you not think it would be in order to follow the British precedent and advise Foreign Office of Hughes' assignment to Addis Ababa in consular capacity and to request that Italian Embassy in Washington be authorized telegraphically to grant him visa? Or do you consider it would be preferable first to assign Hughes to Rome to the Embassy or to the Consulate General for a brief period, say 2 weeks, and have him proceed to Addis Ababa from Rome? If arrangements can be made promptly in Rome Hughes and wife can probably sail via Export Line on December 8.

Please submit your recommendations.

MOORE

⁹⁵ Guisepe Bastianini, Italian Under Secretary of State for Foreign Affairs.

⁹⁶ Not printed.

124.84/130 : Telegram

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

ROME, November 30, 1936—5 p.m.

[Received November 30—2:48 p.m.]

498. Department's 166, November 28, 3 p.m. In order to clarify the situation in regard to the assignment of a new consular officer to Addis Ababa I sent Reber to the Foreign Office this morning to discuss this point informally. He was told that the normal procedure would require an exequatur. On the other hand the Foreign Office recognized that this procedure might be considered as constituting "*de facto* recognition" and appreciated the Department's position. Should the Department desire to make a change in the personnel or status of its office at Addis Ababa the Italian authorities, he was informed, would regard such change primarily as of American administrative concern; the new appointee would not however be recognized officially as Consul but would have the same status vis-à-vis the local officials as our present personnel.

Under these circumstances if the Department is not prepared to leave Cramp as consular officer in charge for the time being, which would raise no question of principle, there would appear to be no objection to following the British precedent and to advising the Foreign Office of Hughes assignment in a consular capacity. I do not consider it necessary first to assign Hughes to Rome.

Should the Department decide to adopt this course may I be authorized to inform Count Ciano⁹⁷ of the proposed change in American representation?

PHILLIPS

123H875/188 : Telegram

The Acting Secretary of State to the Ambassador in Italy (Phillips)

WASHINGTON, December 1, 1936—11 a.m.

167. Your 498, November 30, 5 p.m. Please advise Foreign Office of Hughes' assignment to Addis Ababa in consular capacity and request telegraphic authorization to Italian Embassy here to grant him visa.

MOORE

⁹⁷ Italian Minister for Foreign Affairs.

123EN3/490 : Telegram

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

ROME, December 2, 1936—11 a.m.
[Received December 2—6:55 a.m.]

501. Department's 167, December 1, 11 a.m. In advising Foreign Office of Hughes' assignment to Addis Ababa may I say orally to Count Ciano that Engert is to be transferred elsewhere?

PHILLIPS

123EN3/492 : Telegram

The Acting Secretary of State to the Ambassador in Italy (Phillips)

WASHINGTON, December 2, 1936—7 p.m.

170. Your 501, December 2, 11 a.m. You may say that it is the Department's present intention to transfer Engert in the not distant future.

MOORE

123H875/189 : Telegram

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

ROME, December 3, 1936—7 p.m.
[Received December 3—3:20 p.m.]

506. Department's 170, December 2, 7 p.m. I informed Count Ciano this afternoon of the Department's decision to assign Hughes to Addis Ababa in a consular capacity and of your request that the Italian Embassy in Washington be instructed to grant him a visa. I added that it was the present intention of the Department to transfer Engert in the not distant future. Count Ciano expressed much appreciation adding that it is a "step in the right direction". He would like to issue the following statement which he wrote out in his own hand but before doing so will await your approval: "Count Ciano has received the American Ambassador who informed him that the American Government had decided to appoint a consular officer to Addis Ababa to take charge of the American interests in the place of the former diplomatic representative". Please reply as quickly as possible.

PHILLIPS

123H875/190 : Telegram

The Acting Secretary of State to the Ambassador in Italy (Phillips)

WASHINGTON, December 3, 1936—7 p.m.

171. Your 506, December 3, 7 p.m. Please inform Count Ciano without delay that this Government regards the transfer of Hughes to

Addis Ababa at this time as a purely routine administrative matter devoid of any political significance and that the American press will be so informed in case inquiry on the subject is made.

We cannot, therefore, approve any statement in the sense of that suggested by Count Ciano and I feel sure he will agree with you as to its inadvisability under the circumstances.

You should make it perfectly clear that this Government does not contemplate instructing Engert to depart immediately upon Hughes' arrival and although it is our present intention to transfer him within a reasonable time thereafter, this Government desires this fact to be regarded as confidential for the time being.

You should also endeavor to dispel any impression that Count Ciano may have that Engert's transfer, when it occurs, is to be regarded as having any political significance for such is emphatically not our intention.

For your confidential information: you should bear in mind that any disposition on the part of the Italian Government to capitalize the present routine transfers might be most embarrassing to the Secretary during the course of the Conference now in session at Buenos Aires.

MOORE

123H875/198 : Telegram

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

ROME, December 8, 1936—7 p.m.

[Received December 8—4:08 p.m.]

514. My 507, December 4, 7 p.m.⁹⁹ and previous. I understand from the Minister of Foreign Affairs that there is some difficulty in connection with the visa of Hughes passport by the Italian Embassy in that it states that he is assigned "to the Legation at Addis Ababa" instead of "to Addis Ababa" to which latter designation the Italian authorities agreed. As the objection of the Foreign Office is solely to the use of the words "Legation at" on the passport itself I sincerely hope that this matter may be satisfactorily arranged.

PHILLIPS

123H875/204 : Telegram

The Acting Secretary of State to the Ambassador in Italy (Phillips)

WASHINGTON, December 9, 1936—8 p.m.

176. Your 514, December 8, 7 p.m. This matter is being adjusted by the issuance to Hughes of a new passport assigning him as "Consul of the United States of America at Addis Ababa."

MOORE

⁹⁹ Not printed.

124.84/132

*Memorandum by the Chief of the Division of Near Eastern Affairs
(Murray)*

[WASHINGTON,] December 9, 1936.

Mr. Philip Broadmead of the British Embassy called on me by appointment on December 7 and said he was inquiring on behalf of the Ambassador what, if any, plans this Government has to withdraw its diplomatic representation at Addis Ababa at an early date.

I explained to Mr. Broadmead that Mr. Morris Hughes, lately Secretary of Embassy in Tokyo, had been assigned as American Consul at Addis Ababa to replace Mr. Cramp who is definitely departing from that post, and I made it clear that Mr. Hughes' assignment was purely a routine administrative matter without any political significance whatsoever. I also pointed out that while it was the present intention of the Department to withdraw Mr. Engert in the not distant future, we did not contemplate instructing him to depart immediately or soon after Mr. Hughes' arrival.

Mr. Broadmead then informed me that his Government had for some time been desirous of withdrawing its diplomatic representation in Addis Ababa but had delayed doing so owing to objections from the French Government. While he was not entirely clear on the point, he seemed to have the understanding that the withdrawal of the British diplomatic representative would be regarded by his Government as giving at least *de facto* recognition to the Italian annexation of Ethiopia.¹

I then made the observation to Mr. Broadmead that the eventual withdrawal of Mr. Engert would not in the Department's opinion necessitate any final decision in the matter of recognition; Mr. Broadmead, on the other hand, seemed to find it difficult to understand how the withdrawal of diplomatic representation could occur without political implications but added that he was not fully informed at present as to his Government's precise intentions in this connection. He agreed with me, however, that if, as is the case, the Italian Government recognizes neither the present diplomatic nor consular officers functioning in Ethiopia it was difficult to understand why the withdrawal of an unrecognized diplomatic officer need necessarily be regarded as an act of recognition.

¹For account of British withdrawal of diplomatic representation from Ethiopia, December 21, 1936, see *aide-mémoire* from the British Embassy, December 23, p. 252.

In departing Mr. Broadmead promised to keep me informed of any further developments that might come to his Embassy's attention on this subject.

This information is of interest in connection with Mr. Phillips' telegram No. 512 of December 7, 7 p.m.²

WALLACE MURRAY

865D.01/230 : Telegram

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

ROME, December 24, 1936—1 p.m.
[Received December 24—9:35 a.m.]

550. My 548, December 24, 11 a. m.³ In view of the fact that 12 countries have already given *de facto* recognition to the new regime in Ethiopia, including all the great powers particularly interested, can we not start the new year by some announcement to the effect that the American Legation at Addis Ababa will shortly be transformed into a consulate?

PHILLIPS

865D.01/230 : Telegram

The Acting Secretary of State to the Ambassador in Italy (Phillips)

WASHINGTON, December 28, 1936—4 p.m.

194. Your 550, December 24, 1 p.m. We are inclined to feel it would be better not to stress the proposed change in status of our representation at Addis Ababa by making any formal announcement at this time. Engert will probably be about to depart on leave towards the end of February and the change in status will become known at that time in a routine manner.

MOORE

² *Ante*, p. 251.

³ Not printed.

IRAN

EXPRESSION OF REGRET BY THE UNITED STATES FOR ARREST OF THE IRANIAN MINISTER; WITHDRAWAL OF IRANIAN REPRESENTATIVES FROM THE UNITED STATES IN PROTEST AGAINST ARTICLES APPEARING IN THE AMERICAN PRESS

701.9111/458 : Telegram

The Minister in Iran (Hornibrook) to the Secretary of State

TEHERAN, December 3, 1935—5 p.m.

[Received December 3—3:30 p.m.]

42. In *note verbale* received today strong representations made by Iranian Government as a result of alleged arrest, forcible detention and arraignment of Djalal¹ at a point between New York and Washington on a charge of speeding. Requests that suitable explanation be made by the Department to Djalal and that Legation be advised by cable that such explanation has been made.

HORNIBROOK

701.9111/458 : Telegram

The Secretary of State to the Minister in Iran (Hornibrook)

WASHINGTON, December 4, 1935—4 p.m.

33. Your 42, December 3, 5 p.m. In reply to the *note verbale* under reference you may state that the information desired by the Iranian Government in this matter should properly be sought through its representative in Washington who is in a position to furnish his Government with full details of the incident and of the action thus far taken by this Government as well as the steps which may subsequently be taken by the Maryland authorities.

The Department will in due course furnish you with complete information on this subject but considers that for the present at least the matter should be handled with the Iranian Government solely through its representative here.

HULL

701.9111/455

The Secretary of State to the Iranian Minister (Djalal)

WASHINGTON, December 6, 1935.

SIR: With reference to your Note of December 2, 1935,² protesting against the treatment to which you were subjected on November 27,

¹ Iranian Minister.

² Not printed.

1935, by the police of Elkton, Maryland, I have the honor to inform you that I am now in receipt of a letter from the Honorable the Governor of Maryland. The Governor states that the offending officers, Constable Clayton Ellison and Town Officer Jacob Biddle, have been tried and fined and that both officers are no longer in the public service. In transmitting this information the Governor requests me to extend to you an expression of his apologies for this incident which he profoundly deploras.

In conveying to you this message from the Governor of Maryland I desire to add my own sincere expression of regret on the part of this Government that you should have been subjected to discourteous treatment and to assure you of the satisfaction with which I have learned of the prompt remedial measures which have been taken by the Maryland authorities. At the same time I consider it my duty to point out that according to the available information this deplorable incident would not have occurred had your chauffeur observed the regulations in force in Elkton regarding the speed limit of automotive vehicles.

In this connection I may state that this Government has at all times impressed upon its own diplomatic officers in foreign countries that the enjoyment of diplomatic immunity imposes upon them the obligation and responsibility of according scrupulous regard to the laws and regulations, both national and local, of the countries to which they are accredited. I feel confident that the Iranian Government will share the view that this Government is justified in expecting that foreign diplomatic officers accredited to the United States will manifest a similar regard for the laws and regulations in force in this country.

Accept [etc.]

CORDELL HULL

701.9111/455

*Memorandum by the Chief of the Division of Near Eastern Affairs
(Murray)*

[WASHINGTON,] December 7, 1935.

Mr. Ghaffar Djalal, the Iranian Minister, came to see me this morning by appointment with regard to the note of December 6, 1935 addressed to him by the Secretary of State conveying the apologies of the Governor of Maryland and the sincere regrets of the Secretary on behalf of this Government over the incident of the Minister's arrest, handcuffing and detainment on November 27, last, at Elkton, Maryland, upon a charge of speeding.

The Minister expressed himself satisfied with the apologies and regrets contained in the Secretary's note under reference, but appeared considerably worried over the references in the note to the violation

by his chauffeur of speed regulations in Elkton and particularly the final sentence of the note, reading as follows: "I feel confident that the Iranian Government will share the view that this Government is justified in expecting that foreign diplomatic officers accredited to the United States will manifest a similar regard for the laws and regulations in force in this country." The Minister maintained that the Secretary's note gave the impression that he was in the habit of violating the laws and regulations of this country, which was not the case. I pointed out to the Minister that specific reference in this connection was made to his chauffeur, and not to him personally, and added that the above quoted final sentence of the Secretary's note logically followed the statement made in the last paragraph thereof setting forth the attitude of this Government regarding the observance by its own diplomatic officers in foreign countries of the laws and regulations of such countries.

I reminded the Minister at the same time of the great concern which is being shown all over the United States at this time over the alarming increase in fatalities resulting from automobile accidents and I referred to the energetic "safety campaign" which is being conducted at present in the national capital as well as in many other parts of the United States. I also pointed out that there has existed for many years in this country a widespread resentment over the unfortunate attitude of some diplomatic officers—generally subordinate ones—in this country to regard their privilege of diplomatic immunity as a license to violate our laws and regulations. This feeling in the United States must necessarily be taken into account by the Secretary of State in handling an incident of this kind. While in no way justifying the unwarranted and deplorable action of the Maryland police authorities for which the regrets and apologies of both the Federal government as well as the State government of Maryland had been extended to the Minister, the Secretary felt it only proper to point out that the incident in question would not have occurred had the Minister's chauffeur not been guilty of violating the speed regulations of the town of Elkton.

The Minister asked me whether we could not communicate with our Legation in Teheran in this matter, clarifying the misapprehension which he feared might exist in the mind of the Iranian Government regarding his customarily law-abiding behavior. While assuring the Minister that we had not intended to give the impression that he or members of his staff had repeatedly violated our laws and regulations, I said that due consideration would be given to his present request.

WALLACE MURRAY

701.9111/458

The Secretary of State to the Minister in Iran (Hornibrook)

No. 167

WASHINGTON, December 12, 1935.

SIR: Reference is made to your telegram No. 42 of December 3, 1935 and the Department's telegraphic reply No. 126 [33] of December 4, 1935 relative to the arrest and temporary detention of the Honorable Ghaffar Djalal, Iranian Minister to the United States, at Elkton, Maryland, on November 27, 1935.

There are transmitted herewith for your personal information and that of your career staff, copies of self-explanatory documents covering the entire history of this case. These documents should be placed in the Legation's confidential file.

As you will perceive, the Department now views this incident as closed and it is presumed that this view is shared by the Iranian Government. However, in view of the interest of the Iranian Foreign Office in this matter as evidenced in your telegram of December 3, you may seek an appropriate occasion to furnish the Minister of Foreign Affairs a copy of the enclosed press release of December 6³ outlining the action taken in response to the Iranian Minister's protest and also containing a general statement of the Secretary regarding the privilege of diplomatic immunity and the duties imposed thereby.

You are also authorized to furnish the Minister of Foreign Affairs, in the event that he should so desire, a copy of the Secretary's note of December 6 transmitting the apology of the Governor of Maryland to the Iranian Minister and expressing at the same time this Government's regrets over the incident.

Very truly yours,

For the Secretary of State:
R. WALTON MOORE

701.9111/467: Telegram

The Minister in Iran (Hornibrook) to the Secretary of State

TEHERAN, January 2, 1936—6 p.m.

[Received 6 p.m.]

1. Editorial appearing in today's *Setareh-Ye-Djehane*, which is owned by a deputy in the Majlis, takes strong exception to alleged undignified and frivolous manner in which Djalal incident has been treated by the American press. Article alludes to recall of Djalal and opines that this is insufficient and there is nothing in principle to prevent dissolving Imperial Legation in Washington, recall of the entire

³ Department of State, *Press Releases*, December 7, 1935, p. 497.

staff and the rupture of diplomatic relations. I view this article with concern since, in view of close relations between the Iranian press and the Government, the article may possibly presage action of kind described. Article undoubtedly inspired in the main by colored Djalal mail report.

HORNIBROOK

701.9111/469 : Telegram

The Minister in Iran (Hornibrook) to the Secretary of State

TEHERAN, January 7, 1936—11 a.m.

[Received 11:20 a.m.]

2. My telegram No. 1, January 2, 6 p.m. Bitter press attacks upon American Government for failure to obtain public retraction from certain American newspapers continues with increasing vigor in local publications. Strongly hinted that arrest of Djalal inspired by Washington. Four of the newspapers making attacks owned by Majlis. Claim for damages or expulsion of missionaries may be motive. Threat of rupture of diplomatic relations contained in all newspapers. Have thus far ignored newspaper tirade but in event am summoned to Foreign Office think it advisable to furnish Legation with actual facts connected with arrest of Minister. Recall of Djalal officially confirmed.^{3a}

HORNIBROOK

701.9111/469 : Telegram

The Secretary of State to the Minister in Iran (Hornibrook)

WASHINGTON, January 7, 1936—7 p.m.

1. Your 2, January 7, 11 a.m. Full details and documents regarding Djalal's arrest and subsequent action by this Government were transmitted in Department's instruction No. 167 of December 12 forwarded via Cairo and Baghdad pouch on Steamship *Excalibur* due at Alexandria January 9. Pouch should reach Baghdad within the next few days and presumably will be forwarded via British courier.

In case the Iranian Government approaches you officially in the matter before you are in possession of full details, you should explain that fact. You should however state that as soon as this Government was informed of the incident the Secretary of State expressed his personal regrets to the Minister and urged the Governor of Mary-

^{3a} On January 3, 1936, the Iranian Minister had informed the Secretary of State that, under instructions of his Government, he was returning shortly to Iran and that Hossein Ghods, First Secretary of Legation, would act as Charge, which position he assumed on January 14, 1936. (701.9111/468)

land to take immediate steps to bring about the dismissal and punishment of the offending police officers. This action was taken without delay. In a letter received at the same time from the Governor he requested the Secretary to convey to the Iranian Minister an expression of his sincere apologies. In communicating these sentiments to the Minister the Secretary added his formal regrets on behalf of this Government.

The Department considers that the amends made for this unfortunate occurrence were adequate in every respect and that they in fact exceed the action that might have been considered necessary under the circumstances.

In view of the fact that the Minister has been instructed to state that his Government considers the incident closed, the Department approves of your having ignored the press tirade on this subject and wishes you to continue to assume an attitude of reserve unless the Iranian Government takes the matter up with you officially.

With reference to this Government "obtaining public retraction from certain American newspapers" you should of course, if the need arises, point out that freedom of the press is guaranteed in this country by the Constitution.

HULL

701.9111/477 : Telegram

The Secretary of State to the Chargé in the Soviet Union (Henderson)

WASHINGTON, January 20, 1936—6 p.m.

11. Your 22, January 15, 6 p.m.^{3b} For Henderson from Bullitt. The substance of your telegram under reference has been brought to the attention of the Secretary of State and other interested officials of the Department, and you are authorized to communicate with the Iranian Chargé d'Affaires in the following sense:

This Government has always entertained and continues to entertain most friendly sentiments toward His Majesty Reza Shah as well as His Majesty's Government and people and has much appreciated the confidence reposed in the United States in times past by the people of Iran as exemplified on numerous occasions too well known in Iran to require recital. The American Government and people have furthermore followed with admiration the great progress made in Iran under the leadership of Reza Shah, who is reviving the national spirit of a race that occupied a great place in history.

With regard to the unfortunate incident at Elkton, which this Government profoundly deplored, His Majesty is presumably fully informed of the prompt and energetic steps taken by this Government

^{3b} Not printed.

and the Governor of Maryland to make amends, with which the Iranian Government has declared itself satisfied. This Government regrets, however, the necessity of pointing out in this connection that the incident itself would and could have been avoided if the Iranian Minister had respected American laws or if, after having violated them, he had exercised the tact and discretion which His Majesty undoubtedly expects of his representatives in this country.

As regards the attitude of the American press toward Djalal, over which this Government has no control whatsoever, it is again a cause for regret to point out that such discourteous comments as were made regarding him resulted without doubt from his failure to assume at the time of the incident an attitude of dignified reserve rather than the contrary. It should be emphasized however that regardless of such comments as those referred to above, it would appear that the Iranian Government is in error in believing that there was any American "press campaign of deriding all things Iranian." The Department, which has followed closely all press comment on the incident, has observed no such disposition on the part of the American press and believes that no such feeling exists in this country. There does however exist here a widespread feeling against any disposition on the part of foreign diplomatic representatives in this country to regard their diplomatic immunity as a license to violate any American laws or regulations, and it was this feeling, rather than any criticism of Reza Shah or his country, that was reflected in the press accounts and editorial discussions of the incident.

This Government desires in conclusion to assure the Iranian Government that it intends to employ its best efforts to safeguard and strengthen the many ties of friendship and sympathetic understanding that have long united the two peoples and earnestly hopes His Majesty is animated by the same purpose. [Bullitt.]

HULL

701.9111/464 : Telegram

The Secretary of State to the Minister in Iran (Hornibrook)

WASHINGTON, January 21, 1936—7 p.m.

4. Your 5, January 13, 6 p.m.⁴ The Iranian Chargé d'Affaires in conversation on January 21 with an official of the Department stated that his Government believed that there was a close connection between the Elkton incident and the fact that Djalal by his earlier activities in connection with the Geneva Arms Convention had incurred the displeasure of the Secretary of State.⁵

⁴ Not printed.

⁵ See *Foreign Relations*, 1934, vol. I, pp. 449 ff.

The Chargé further expressed the view that the confusion in the mind of the Iranian Government and the continued agitation in Teheran over the Elkton incident was due to the fact that the Iranian Government was not furnished at the time with copies of the depositions of the offending police officers and of eye-witnesses declaring that the Minister's arrest resulted largely from having lost his temper and having behaved in an unbecoming and provocative manner. The Chargé pointed out that in the absence of such information his Government had assumed that all press accounts of the Minister's behavior at the time of the incident were fabrications as Djalal had declared them to be.

It was explained to the Chargé that the Department had not furnished, or even referred to, the depositions in question because it did not consider that any circumstances attending the incident in any way condoned the action of the police in arresting the Minister and had insisted upon the dismissal and punishment of the officers regardless of any wrongdoing on Djalal's part.

If, however, as now appears to be the case, the Iranian Government's misgivings and misinterpretation of this unfortunate affair would be dispelled by furnishing the Foreign Minister with copies of the depositions in question, forwarded with the Department's instruction No. 167 of December 12, 1935, you are authorized to do so without delay. You should at the same time explain this Government's reasons as set forth above for not furnishing copies of these documents at an earlier moment. You may also state that it would hardly appear necessary to point out the absurdity of connecting the Elkton incident with Djalal's earlier activities in connection with the Arms Convention.

HULL

701.9111/491 : Telegram

The Minister in Iran (Hornibrook) to the Secretary of State

TEHERAN, January 29, 1936—noon.

[Received 4:16 p.m.]

11. One hour's friendly and highly satisfactory conference today with the Undersecretary for Foreign Affairs resulted in agreement that he will strongly recommend to the Council of Ministers that Djalal matter be now regarded as closed incident. Foreign Office, however, still expects me to submit depositions upon their receipt from Cairo.

HORNIBROOK

701.9111/493 : Telegram

The Minister in Iran (Hornibrook) to the Secretary of State

TEHERAN, February 1, 1936—11 a.m.

[Received February 1—9:15 a.m.]

13. Your telegram No. 6, January 29th.⁷ Depositions transmitted to the Foreign Office today.

HORNIBROOK

701.9111/524

Memorandum by the Under Secretary of State (Phillips)

[WASHINGTON,] March 14, 1936.

The Chargé d'Affaires of Iran handed me this morning a translation⁷ and copy of a message which he had just received from his Government with regard to a recent publication in the New York *Mirror* referring to the Shah as formerly a stable hand; the Chargé admitted that the instruction came directly from the Shah himself. After reading it I expressed astonishment at its terms, saying that it was scarcely the kind of message which passed between two friendly governments; I did not wish, therefore, to discuss it, but would prefer to discuss the unfortunate publication of the *Mirror*. I thereupon laid the Shah's message aside and took up the accompanying message⁷ left by the Chargé, which dealt only with the *Mirror's* publication; I said that this Government naturally regretted any indignity against the head of a friendly state which had been committed in this country, either by the press or otherwise; I pointed out that, in this particular incident, the *Mirror* was a very unimportant publication, with a limited circulation and, in consequence, that this particular reference to the Shah would be noticed by very few people and even by them promptly forgotten; I explained the lack of control which this Government had over the American press, which I felt sure he fully understood; if, for example, the Department should communicate in writing with the *Mirror* or make any protest with regard to this particular incident, the *Mirror* would, in all probability publicize this fact and the objectionable reference to the Shah would consequently be broadcast throughout the country and the incident, which is now unnoticed, could very easily become known throughout the nation because of what might be interpreted by the American press as governmental restraint exercised upon an independent American journal. Furthermore, I added that I was doubtful whether our laws, which guaran-

⁷ Not printed.

teed freedom of the press, would operate in this particular case; I would, of course, be very glad to study our laws to see whether they might apply in such a way that this Government could properly make representations to the *Mirror*.

The Chargé d'Affaires expressed gratification at my reply, intimated, nevertheless, that he would like to see some action taken by the Department vis-à-vis the *Mirror* and expressed the hope that I could give him some answer to his instructions on Monday next.

(The Shah's message, to which I did not refer except at the opening of the conversation, threatened to break off diplomatic relations with the United States unless the Department took certain specified steps vis-à-vis the *Mirror's* statement.)

WILLIAM PHILLIPS

701.9111/525

Memorandum by the Chief of the Division of Near Eastern Affairs (Murray)

[WASHINGTON,] March 17, 1936.

I went to see the Iranian Chargé d'Affaires on Sunday morning, March 15, to discuss the message which he left with the Under Secretary on March 14 in which the Iranian Government threatened that it will "revise their political relations with the United States" unless this Government takes immediate steps, "even making an exception in this case," to cause the New York *Daily Mirror* to retract the statement made in its issue of February 8, 1936 to the effect that the Shah "was formerly employed in the stables of the British Legation in Teheran."

In reply to my inquiry of Mr. Ghods as to his explanation for this extraordinary communication, he reiterated the old story about the Shah's extreme sensitiveness to foreign criticism and said he felt sure that the Iranian Foreign Minister who signed the telegram was carrying out the exact instructions of the Shah. He confirmed my impression that the Shah would have little hesitation in going through with his threat unless something could be done at this end to appease the Shah's wrath. He furthermore confirmed a suspicion I had had that the reception scheduled for last Saturday evening at the Iranian Legation in honor of the Shah's birthday had been called off by specific order of His Majesty and that the motivation for this action was undoubtedly the story in the New York *Daily Mirror*.

Mr. Ghods then recounted his conversation with the Under Secretary, which he described as "extremely helpful." He said he had immediately wired his Government and pointed out that Mr. Phillips, in view of his great friendliness to Iran, did not wish to consider that an unfriendly communication had been delivered to him; that Mr.

Phillips had, however, assured him that he would examine carefully into the situation and if it were possible under American law he would see to it that punishment was meted out for the offending article. In other words, Mr. Ghods was very happy that Mr. Phillips had not turned him down at once, since a communication in that sense to his Government would, he felt, have resulted in immediate and drastic action in Teheran. He said he intended to call at the Department the following day, when he hoped to receive further word as to the action which the Department was prepared to take under the circumstances.

I pointed out to Mr. Ghods the unusual character of his Government's demands and emphasized again to him that the freedom of the press in this country is not merely an empty phrase but is a very actual reality. He said he realized this fully but that unfortunately the Shah of Iran did not and was unwilling to accept any such excuses where criticism of his person was concerned. Mr. Ghods told me that he had written twice to the Editor of the New York *Daily Mirror* requesting him to correct the false statement but that his requests had been ignored. He therefore felt that he had no other alternative than to appeal to the Department for help.

I questioned Mr. Ghods closely as to whether, in the event the Department, as an entirely exceptional measure, endeavored to bring about a retraction of the offensive statement, the Iranian Government would consider such action as a precedent and would consider itself justified in demanding that we follow the same procedure in all future instances where something unpleasant or untrue might be said regarding the Shah. The Chargé said he thought the present case could be handled in such a manner that his Government would be given to understand that a precedent was not being established and that our action in this instance was entirely exceptional and a gesture of good-will to the Shah. I emphasized to Mr. Ghods the absolute necessity of making this point clear to his Government since any misunderstanding in the matter could only create further difficulties.

I asked the Chargé whether he thought it desirable to bring our Legation in Teheran into the picture in any manner. He said he thought it would be better to leave the matter for the time being entirely in his hands since everything depended on the exact wording of any communications delivered to the Iranian Government on this subject. I think his suggestion is a wise one, everything considered.

After discussing this question with Mr. McDermott⁸ yesterday morning, it was decided that any direct communication between the Department and the Editor of the New York *Daily Mirror* would be

⁸ Michael J. McDermott, Chief of the Division of Current Information.

ill-advised. It was suggested that I endeavor to get in communication with Mr. James T. Williams, personal representative of Mr. Hearst in Washington, and discuss the situation with him in complete confidence. I explained the matter fully and in confidence to Mr. Williams this morning, who seemed to appreciate fully the difficulty in which the Department is placed and, while pointing out that he had no authority whatsoever over the Editor of the New York *Daily Mirror*, said he would be glad to communicate directly by long distance telephone with Mr. Hearst and put the matter up to him. He reminded me that no assurances could be given that the Editor of the *Mirror* could be brought to take the action desired by the Iranian Government but assured me that he (Mr. Williams) would do his best.

There the matter stands for the time being. Mr. Williams is coming to see me this afternoon to discuss further phases of the matter before he takes it up with Mr. Hearst.

WALLACE MURRAY

701.9111/526

Memorandum by the Under Secretary of State (Phillips)

[WASHINGTON,] March 17, 1936.

I sent for the Iranian Chargé d'Affaires this afternoon and referred to my last conversation with him on Saturday morning when I told him that I would look into the matter which he had presented to me and would advise him whether any action could be taken by the Government against the New York *Daily Mirror*. I said that I was now satisfied, although I regretted this fact very much, that there was nothing in our laws that permitted the Government to take any step vis-à-vis the *Mirror*; however, as we were anxious to show the Shah every consideration in this case, we had not abandoned hope that something could be done to elicit some expression of regret or correction by the *Mirror* itself; we had today asked a third person, who was in a position to approach the *Mirror* independently to see what could be done in the circumstances; I wished it understood, however, that this action on our part was not to be taken as a precedent; as the Chargé d'Affaires well understood, some of our papers had been guilty of indignities against the chiefs of other states, viz., Japan, the King of Rumania, the Queen Mother of Rumania, Hitler, Mussolini; unfortunately, they had all been caricatured at one time or another, and it was even possible that something might be said in the future which would not be pleasant reading to the Shah himself; we could guarantee nothing, but in order to show our friendly feelings toward Iran and the Iranian people we were making this special effort in this particular case.

The Chargé d'Affaires expressed much appreciation of our efforts in his Government's behalf; he expressed the hope that the *Mirror* would not publish the letter which he himself had written to the *Mirror* two or three days after the incident; the incident having progressed as far as it had, the publication of his letter now would probably not be considered sufficient by the Shah; he hoped, therefore, that some expression by the *Mirror* itself would be given.

WILLIAM PHILLIPS

701.9111/528 : Telegram

The Acting Secretary of State to the Chargé in Iran (Merriam)

WASHINGTON, March 19, 1936—4 p.m.

11. Your 21, March 15, 9 a.m.^{8a} On March 14 the Iranian Chargé d'Affaires called upon me to protest against the article which appeared in the New York *Mirror*. He handed me a message^{8a} which he had been instructed to deliver, one section of which contained a threat to sever relations unless immediate steps were taken by this Government, even as an exceptional measure, to have the article amended. I told him that in view of the friendly relations existing between Iran and the United States I preferred not to discuss the message but rather the unfortunate *Mirror* article.

I said that this Government naturally regretted any indignity against the head of a friendly state, explained that the *Mirror* was an unimportant journal with limited circulation, and that the reference to the Shah would be noticed by few and promptly forgotten even by them. I also pointed out the lack of control which this Government had over the American press and expressed doubt whether, in view of the constitutional provisions concerning freedom of the press, there was any law which would apply in such a case as that presented. I agreed, however, to study the situation with the utmost goodwill.

After careful consideration the Department is left in no doubt that this Government is entirely without means to take any legal action in this matter. However, in order to demonstrate clearly our sincere desire to liquidate this incident to the satisfaction of the Iranian Government we are approaching the publishers and urging them, as a matter of cooperation and in the interest of our continued friendly relations with Iran, to publish a suitable correction.

On March 17 I conveyed to the Iranian Chargé d'Affaires the information contained in the preceding paragraph.

^{8a} Not printed.

The foregoing is for your information. In view of the delicate character of the question you should refrain from taking it up in Teheran. However, if the subject is broached to you, you should be guided by the above considerations, in which connection you should stress these obvious facts: (1) that this Government, under its constitution, is prohibited from interfering in any manner with the freedom of the press and (2) that the action it is taking with a view to obtaining a correction by the New York *Mirror* is altogether unique and is being taken only because of its sincere desire to cultivate friendly relations with Iran. It must not be regarded as constituting a precedent and you should lay particular emphasis on that point in any conversations into which you are drawn.

PHILLIPS

701.9111/535

*Memorandum by the Chief of the Division of Near Eastern Affairs
(Murray)*

[WASHINGTON,] March 26, 1936.

After learning from the Secretary of Mr. James T. Williams that the text of the correction agreed upon with the Iranian Chargé d'Affaires was published in the first edition of the New York *Daily Mirror* today, March 26, I immediately informed Mr. Ghods, who said he had seen the correction and immediately informed his Government by telegraph that the correction had been published.

Mr. Ghods expressed deep appreciation for the assistance which the Department has rendered him in this matter.

WALLACE MURRAY

701.9111/535 : Telegram

The Secretary of State to the Chargé in Iran (Merriam)

WASHINGTON, March 26, 1936—6 p.m.

12. Department's 10 [11], March 19, 4 p.m. *Daily Mirror* today printed following under heading "Correction":

"It has been brought to the attention of the *Mirror* that a statement contained in its issue of February 8, 1936, to the effect that His Majesty, the Shah of Iran, was formerly in the hire of the British Legation at Teheran, is wholly without foundation, and that His Majesty has since his earliest youth served his country in the army.

"The *Mirror* regrets the publication in its columns of such an erroneous statement and is happy to make this correction."

HULL

701.9111/509 : Telegram

The Chargé in Iran (Merriam) to the Secretary of State

[Extract]

TEHERAN, March 29, 1936—5 p.m.

[Received March 30—7 : 14 a.m.]

26. I have just been informed by Soheily^{sb} that the Iranian Government has recalled all its representatives in the United States. Dissatisfaction with the *Mirror* article and the retraction was given as the reason. He added that the Government had the friendliest feelings towards me, would continue to be most friendly and would maintain relations with this Legation.

I replied that I felt at a loss what to say as I considered we had gone the full limit and beyond to adjust recent incidents. I emphasized that we had paid no attention to the scurrilous anti-American campaign here in the controlled press, making the points covered in Murray's letter of February 26th.⁹

To this the Under Secretary made no reply saying that he was merely acting as a messenger. According to Soheily retraction though adequate from western standpoint revived ill-feeling by repeated reference to Shah's alleged earlier career.

Although he stated that the Shah had not been shown the correction it is difficult to conceive that a decision of this importance has been taken without his Majesty's approval. But he said that the Cabinet Ministers all agreed that they should not maintain representatives to be witnesses to affronts to the Shah.

MERRIAM

701.9111/510a : Telegram

The Secretary of State to the Chargé in Iran (Merriam)

WASHINGTON, March 30, 1936—2 p.m.

15. Department's No. 12, March 26, 6 p.m. On March 28 the Iranian Chargé d'Affaires made an urgent request for an interview and on instructions from his Government handed me the following communication:

[Here follows substance of information given by the Iranian Under Secretary of State to the American Chargé as noted in telegram No. 26, *supra*.]

I expressed to the Chargé my astonishment and regret that the Shah should have responded in such fashion to the repeated evidences of

^{sb} A. Soheily, Iranian Under Secretary of State for Foreign Affairs.

⁹ Not found in Department files.

good-will and sympathy of the American Government and people and asked him to convey at once a message to the Shah in the following sense :

“The Secretary of State speaking for his Government expressed great surprise and regret when I acquainted him with your message proposing to dissolve diplomatic relations. He said that his Government and the entire American people are now and have been wholeheartedly friendly towards His Majesty the Shah and the Iranian people; that only a few scattering irresponsible and uncontrollable newspapers have been more or less critical, but with no ill will. The Secretary of State earnestly requests, on behalf of his Government, that the Iranian Government delay the proposed action for one or two weeks until that Government can more fully and more to its satisfaction ascertain the exact truth regarding the warm friendship of this Government and the people of this country towards His Majesty and the people of Iran.”

This message was telegraphed to Teheran immediately by the Chargé and he received a curt reply on March 29 instructing him to carry out the Shah's orders to close the Legation and return to Iran, together with all Iranian career consular officers in this country.

Please telegraph any information you may be able to obtain which would throw light on the attitude of the Shah which to us is not only surprising but incomprehensible.

I should also like to have you endeavor to ascertain discreetly and informally and report immediately whether a request, if made, that the Shah receive a special envoy to be sent to Iran to discuss the present situation would meet with a favorable response. It would be the purpose of the special envoy to convey to Reza Shah the exact truth regarding the friendship of this Government and the people of this country toward His Majesty personally and toward the people of Iran.

HULL

701.9111/510 : Telegram

The Chargé in Iran (Merriam) to the Secretary of State

TEHERAN, March 30, 1936—7 p.m.

[Received March 30—5 : 25 p.m.]

27. My telegram of March 29, 5 p.m. The action of the Iranian Government seems most ill-suited for its purpose since it appears inevitable that in commenting thereon the press will make statements which will be viewed as affronts here. There is thus a possibility that if we do not withdraw our representatives from Iran they will sooner or later be sent out by the Iranian Government. This is offered for thought purely in connection with other considerations as it would be unfortunate to withdraw solely for an eventuality which did not happen.

MERRIAM

701.9111/521

*Memorandum by the Chief of the Division of Near Eastern Affairs
(Murray)*

[WASHINGTON,] March 31, 1936.

In conversation yesterday afternoon with the Iranian Chargé d'Affaires he took great pains to emphasize to me that the decision of his Government to withdraw all Iranian representatives in this country and to close the Iranian Legation in Washington would not in any way affect the status of our Legation in Teheran. He explained that in withdrawing Iranian representation in this country the Shah had desired to indicate his displeasure over the attitude of the American press towards himself personally and towards Iran in general. Since the Shah was not in any way displeased with the American Legation in Teheran, the Iranian Government would continue, as in the past, to have most friendly relations with that Legation and to conduct business with it as usual. I inferred, in fact, from the Iranian Chargé's remarks that his Government would be displeased if we took any steps to reduce the present status of our representation in Iran.

It is clear from the above that the present action of the Iranian Government cannot in any way be regarded as a severance of diplomatic relations between the two countries. It is solely a unilateral act on the part of the Iranian Government to give emphasis to the Shah's displeasure over the attitude of the American press.

WALLACE MURRAY

705.9167/2

Memorandum by the Secretary of State

[WASHINGTON,] April 6, 1936.

The Ambassador of Turkey called upon his own request and stated to me that the Iranian Government had requested the Turkish Government, through its representative in Washington and in any other practical way, to take over the interests of the Iranian Government in the United States and to give them such care and attention as they might be able and as was customary in the existing relations between this Government and the Iranian Government, the latter having recalled its representatives from this country, but, at the same time, given full permission to the United States Chargé at Teheran to remain there and keep in normal touch and relationship with the Iranian Government.

I promptly replied that I knew of no Government anywhere more competent and suitable thus to represent the Iranian Government and to take care of its interests and affairs in this country than the Government of Turkey through its representative here, and, of course,

I knew of no country which to us the assumption of this task would afford more satisfaction than such action by the Turkish Government. I then expressed both the surprise and disappointment I felt at the unexpected action of the Shah of Iran after he had received a retraction from Mr. Hearst of the false publication in the New York *Mirror*, about which the Shah had chiefly complained.

I then briefly rehearsed the pros and cons of the relations between the two governments from the time of the arrest of the Iranian Minister at Elkton, Maryland, upon the charge of speeding until today. The Turkish Minister [*Ambassador*] showed genuine sympathetic interest in the attitude of the United States with respect to these two incidents and assured me that he would watch every opportunity to aid in making clear to the Iranian Government and its Ruler the wholehearted friendliness of our people towards him and the Iranian people, and, at the same time, would strive to convince the Shah of the complete satisfaction which this Government had really given him and also given his Government and which, if understood fully by the Shah, should be promptly accepted.

C[ORDELL] H[ULL]

701.9111/517 : Telegram

The Chargé in Iran (Merriam) to the Secretary of State

TEHERAN, April 6, 1936—noon.

[Received 3:20 p.m.]

30. Yesterday the question of sending special envoy was broached informally to the Under Secretary and to the Chief of the Third Political Division of the Ministry of Foreign Affairs. The matter was presented as an idea originating in the Legation which would be submitted to the Department if well received here. Reaction of both officials was favorable although the latter expressed doubt as to efficacy if further exceptionable articles should appear. In any event the matter will be presented to the Foreign Minister and to the Shah for consideration after which I shall report further.

All second class mail entering Iran is being held for examination.

MERRIAM

701.9111/528 : Telegram

The Chargé in Iran (Merriam) to the Secretary of State

TEHERAN, April 16, 1936—noon.

[Received 3:50 p.m.]

31. My telegram No. 30, April 6, noon. This morning Soheily said he had delayed until day before yesterday discussing idea of special

envoy with his Minister waiting more favorable atmosphere. The Minister received the idea very favorably but desired further information on the following points:

1. Rank of the envoy. He desires an ambassador extraordinary.
2. Approximate wording of the letter of credence and of any formal message to be presented to the Shah.
3. Impervious assurance that the envoy would have as his sole mission the improvement of existing relations, that he would not be permanently assigned as Minister to Iran nor act in any way as trade representative as a certain Belgian Ambassador at Large had done.
4. The impression must not be conveyed that the mission has been sought by Iran.

He was informed that the Legation would be glad to present the matter for the Department's consideration and that no difficulty was anticipated over the considerations mentioned under 3 or 4 above as the Legation's ideas were in complete accord with those of his Minister.

It was strongly emphasized to him that the purposes of a special mission might at any time be vitiated owing to the supersensitiveness of the Shah to irresponsible press articles but both Soheily and the Minister with whom he immediately conferred in this respect thought His Majesty could be handled successfully. Nevertheless, I am of the opinion that an assurance that a special mission would be well-received by the Shah should be obtained before it is authorized.

MERRIAM

705.9167/7

Memorandum by the Assistant Chief of the Division of Near Eastern Affairs (Alling)

[WASHINGTON,] April 24, 1936.

Mr. Seyfullah, Secretary of the Turkish Embassy, in calling today on another matter stated that the Embassy had now received instructions from Ankara directing it to have the Turkish Consul in New York perform consular duties on behalf of the Iranian Government. Beginning today, therefore, the Turkish Consul in New York would be prepared to certify consular invoices, certificates of origin and other documents covering American exports to Iran. Mr. Seyfullah added that their instructions had directed that the Czechoslovak Consul in Chicago should continue to perform Iranian consular functions. Apparently the Czechoslovak Government, however, was anxious to be relieved of this burden, and Mr. Seyfullah expressed the view that probably within the next two months the Czechoslovak Consul would be relieved of his functions on behalf of the Iranian Government and that thereafter documents originating in Chicago and requiring Iranian consular services would be handled by the Turkish Consul in New York.

701.9111/523 : Telegram

The Secretary of State to the Chargé in Iran (Merriam)

WASHINGTON, April 30, 1936—7 p.m.

22. Your 31, April 16, noon. Mr. Hornibrook has returned and has informed the Department of the conversation which he had on March 15th with Mr. Kazemi, then Minister for Foreign Affairs. In that conversation Mr. Kazemi thought fit to urge that this Government take steps to amend the Constitution so as to restrict the freedom of the press. The absolute impossibility of any such steps must be clear to anyone who is familiar with American institutions and the American form of government.

Under the circumstances it is apparent that no useful purpose could be served by sending a special envoy to Teheran and the proposed mission has therefore been definitely abandoned.

Please bring the foregoing to the attention of the Minister for Foreign Affairs, leaving with him an *aide-mémoire* of your conversation.

HULL

701.9111/552 : Telegram

The Chargé in Iran (Merriam) to the Secretary of State

TEHERAN, May 9, 1936—5 p.m.

[Received May 10—6 p.m.]

33. On May 6 I called on Soheily since previous discussions regarding special mission had been with him. I left two *aide-mémoires* the drafting of which was extremely delicate, one containing merely the substance of the Department's No. 22 April 30, 7 p.m., the other adding a quotation of the pertinent portion of the Constitution, explaining that it had been in force for nearly 150 years, the indispensable role played by a free press under our system, the procedure of amendment and that an amendment restricting freedom of the press was not a practical possibility. It went on to describe Department's hard work in securing correction as evidence both of its good will and as further proof that our Government had no control over the press adding that its action could not be considered a precedent. Both documents asked him to bring contents to the attention of his Minister. I explained that the first covered my instructions but that I would leave the second, if he thought it preferable, for presentation to higher authority.

Soheily was deeply disappointed that the mission would not be sent and vented his feeling on Kazemi whose suggestion to Hornibrook he thought was an unwarranted interference in the internal affairs

of another country. He himself would have refused to discuss such a request had it been made of him and for this reason he believed there must have been a misunderstanding. He asked whether this consideration was the real reason for the Department's decision or a pretext.

I replied that I did not think the Department had been particularly disturbed by that phase of it. I thought the Department argued that if Kazemi who had some years in the United States knew so little of our Government and institutions, it would be a hopeless task for a special envoy, who would be regarded as a special pleader, to convince the Iranian Government of the facts. As to a pretext I said the *aide-mémoire* contained the sole reason given by the Department for rejecting the idea of a special mission and it was impossible to say whether, independently of Kazemi's remark, the Department would have arrived at the same decision or not.

The Under Secretary was extremely loath to accept any *aide-mémoire* on the ground that the suggestion had come from us and not from the Iranian Foreign Office. On my explaining that I was carrying out instructions and that I thought the Secretary wished to show that he had given the idea of a special mission serious and careful consideration and desired a written record of the fact in the Iranian archives he consented to keep them for further study. He seemed painfully afraid that the rejection of the idea of a mission might be thought a rebuff to Iran and I had to emphasize that it was solely the Legation's idea that was being turned down and that the *aide-mémoire* so stated.

He asked to see the interpreter this afternoon and returned both documents saying that the Foreign Minister agreed that as the special envoy had not been solicited by Iran there was no occasion to have anything in writing. He said he had found a note of Kazemi that the United States Government should take steps to protect foreign sovereigns from the press and he felt sure Kazemi had gone no further than that. He seemed very discouraged that the idea of the mission had been rejected.

In my opinion the plan was attractive to the Foreign Office, which has not been in the good graces of the Shah recently, because it could say to His Majesty that it had arranged for a great power like ourselves to go to this length to request the restoration of Iranian representation. The Foreign Office would therefore tend to encourage the sending of a mission whatever the chances of success. Nevertheless I believe Soheily is sincere in expressing the informal opinion that a special mission offers the best method of righting the present situation.

I believe it would be both wise and useful to explain the Department's rejection of a special mission on the basis of a partial misunder-

standing of Kazemi's suggestion and to keep the question open with the idea that an envoy will be sent if and when we have reasonable assurance that he can succeed.

Copies of *aide-mémoires* are being forwarded.

MERRIAM

701.9111/552: Telegram

The Secretary of State to the Chargé in Iran (Merriam)

WASHINGTON, May 15, 1936—5 p.m.

24. Your 33, May 9, 5 p.m. You should seek an early occasion to impress upon Soheily that there was no misunderstanding whatever of the representations which Kazemi made to Mr. Hornibrook on March 15. Mr. Hornibrook's report on this matter confirmed by your despatch 743, March 17,¹⁰ makes it perfectly clear that Kazemi envisaged an amendment of the American Constitution with a view to restricting the freedom of the press. It should be unnecessary to remind the Iranian authorities that this Government cannot even discuss with any foreign government such a wholly unwarranted suggestion.

You should also impress upon Soheily that the Department's decision that no useful purpose would be served by following your suggestion regarding the sending of a special envoy to Teheran was not based upon any pretext but upon the nature of Kazemi's representations referred to above.

In this connection the Department desires that in any further conversations on this subject between you and Iranian officials you adhere closely to the substance of the Department's instructions and refrain from any speculative interpretation of the Department's views such as that contained in the first sentence of paragraph 3 of your telegram under reference.

For the time being at least the Department proposes to give no further consideration to the matter of sending a special envoy to Teheran. Inasmuch as you presented the suggestion in the first instance as coming from the Legation and in view of Kazemi's insistence respecting our Constitution, the Department perceives no reason why the present authorities at the Foreign Office should feel any embarrassment in regarding the matter of the special envoy as closed.

Department does not understand your reference to the situation as being "precarious" because of certain American press comments made subsequent to the Iranian withdrawal. If you refer to the situation of our mission in Iran your grounds for such a statement should be made clear without delay.

¹⁰ Not printed.

For your confidential information and general guidance, the Department is not inclined to view with any particular concern the mere withdrawal of Iranian representation in Washington provided the Iranian Government continues normal relations with our Legation at Teheran. That Government's intention to continue such relations was reported in your telegram No. 26, March 29, 5 p.m. Your relations with the Iranians should therefore be cordial and scrupulously correct and you should carefully avoid giving any impression that you fear that any developments such as press comments in this country might alter the *status quo*. You will of course report promptly any contrary disposition on the part of the Iranian authorities.

HULL

701.9111/555 : Telegram

The Chargé in Iran (Merriam) to the Secretary of State

TEHERAN, May 17, 1936—noon.
[Received May 18—4:35 a.m.]

34. Motamedi, Chief of the Third Political Division, asked me to see him this morning. He had been instructed by the Foreign Minister to say that unless American press articles offensive to the Shah should cease at once the Iranian Government would be obliged to sever all diplomatic and economic relations with the United States. Displaying clippings from the *Washington Post* dated March 31 and April 5 and from the *Louisville Post* of April 1, he said his Government expected that such articles would cease following withdrawal of its representatives but that they had continued without interruption. He asked whether my Government could not do something to stop repugnant comments whereupon I thoroughly went over the ground covered in the long *aide-mémoire* described in paragraph 1 of my telegram No. 33, May 9, 5 p.m.

He made the suggestion which he asked me to communicate that the Secretary of State might call in correspondents and ask them to desist from writing items derogatory to the Shah and to Iran and emphasize the harmful effects to American trade which would result if this were not done. He made it clear that the severance of economic relations would mean complete stoppage of Iranian imports from the United States. I pointed out to him that reciprocal measures of this kind would hurt Iran more than ourselves and promised to communicate his remarks and the reply of my Government.

Department's telegram 24, May 15, 5 p.m. I am convinced likewise that Kazemi suggested constitutional amendment is an oversimplification. My despatch No. 743¹¹ is not a confirmation but merely reported Mr. Hornibrook's summary analysis of the results of

¹¹ Not printed.

his conversations with the Prime Minister, Minister for Foreign Affairs and other high officials on March 15th. I believe that Mr. Hornibrook himself said on his own initiative purely as a measure to gain time and without promising results that he would do what he could to secure constitutional amendment upon his return and that Kazemi merely expressed hope and expectation of success. Rejection of special mission on this uncertain ground is undesirable. As the idea has been decently buried for considerations that seem adequate to the Foreign Office I hesitate to reopen this unpleasant subject involving the press without further instructions particularly in view of the main subject of this telegram.

A special mission might save the present situation though probably only temporarily.

My relations with Iranians have been perfectly friendly and correct and I have not given and will not give the impression that the Legation will not carry on. I have, however, felt bound to advise American interests to tread carefully.

MERRIAM

701.9111/555 : Telegram

The Secretary of State to the Chargé in Iran (Merriam)

WASHINGTON, May 18, 1936—6 p.m.

25. Your 34, May 17, noon. You should seek an early appointment with the Foreign Minister and, after referring to the oral statement made to you on May 17 by the Chief of the third political division, you should say that you have been instructed by your Government to request the Foreign Minister to furnish you with a statement in writing of the Iranian Government's position in the matter.

You should refrain from all comment on, or discussion of, your present instructions or the situation set forth in your telegram under reference.

Please keep the Department promptly informed of developments.

HULL

701.9111/557 : Telegram

The Chargé in Iran (Merriam) to the Secretary of State

TEHERAN, May 19, 1936—5 p.m.

[Received May 19—1:45 p.m.]

35. Department's telegram 25, May 18, 6 p.m. Saw Foreign Minister this afternoon. He was hesitant about stating Iranian position in writing but agreed to consider the request and to inform me of decision.

MERRIAM

701.9111/555 : Telegram

The Secretary of State to the Chargé in Iran (Merriam)

WASHINGTON, May 20, 1936—2 p.m.

26. Department's 25, May 18, 6 p.m. and your 35, May 19, 5 p.m. Unless you perceive some objection, the Department wishes you to address, with appropriate salutation and subscription, the following personal letter to the Foreign Minister:

"Your Excellency will recall that I informed you last Tuesday, May 19, of the statement made to me orally by the Chief of the Third Political Division in connection with certain recent items in the American press and that I requested you to be so good as to furnish me with a statement in writing of the intentions of the Iranian Government.

I feel sure Your Excellency will appreciate the heavy responsibility that rests upon me in interpreting in all clarity to my Government the exact position of your Government in this matter.

To this end and to avoid any misunderstanding that might have far reaching consequences, I venture, as a sincere friend of your country, to address you thus personally in order to reiterate the importance which I feel sure my Government attaches to the receipt of the requested statement in writing."

For your confidential information, the Department's purpose in suggesting this particular means of communication is two-fold: (1) to make it more difficult for the Foreign Minister to evade the Department's request while (2) presumably affording him a convenient means of avoiding the necessity of making your communication a part of the official Iranian record.

It is suggested that your letter, if dispatched, be accompanied by a Persian translation carefully prepared by the Legation Interpreter and checked by yourself. You will of course refrain from acquainting the Interpreter with the origin of the letter.

Please continue to keep the Department promptly informed by telegraph of all important developments.

HULL

701.9111/558 : Telegram

The Chargé in Iran (Merriam) to the Secretary of State

TEHERAN, May 21, 1936—5 p.m.

[Received May 21—1:30 p.m.]

36. Department's telegram 26, May 20, 2 p.m. Personal letter delivered to Foreign Minister this afternoon as drafted with translation.

MERRIAM

701.9111/564 : Telegram

The Chargé in Iran (Merriam) to the Secretary of State

TEHERAN, June 9, 1936—8 a.m.

[Received 10:52 a.m.]

41. My telegram No. 35, May 19, 5 p.m. Yesterday Chief of the Third Political Division informed me of decision not to state Iranian position in writing. He said that if no more exceptional press articles appeared no further communication on the subject would be made but if they continued the Legation would receive a written communication along the lines of his statement of May 17, reported in the first sentence of my telegram No. 34, May 17, noon. He gave as the reason for the decision the fact that the position had already been set forth verbally and since the Foreign Office was satisfied that it had been accurately communicated to the Department there was no necessity for putting it in writing.

Motamedi said the attitude of the Government was that of waiting and watching the American press. He intimated that a reasonably written statement would be likely to bring from us an explanation that we could do nothing about the press, a fact which was known.

Iranian position seems illogical from our point of view because it seeks to place upon us a responsibility which we are unable to accept under our system. On the other hand, the Iranians feel that they could not continue relations with a government which, whatever the reason, either cannot or will not protect the name of their sovereign and nation.

MERRIAM

701.9111/594

The Chargé in Iran (Merriam) to the Secretary of State

No. 860

TEHERAN, July 25, 1936.

[Received August 24.]

SIR: I have the honor to inform the Department that at the request of His Excellency A. Soheily, Under Secretary of State for Foreign Affairs, I called upon him at the Foreign Office on July 23, 1936, accompanied by the Legation Interpreter.

Somewhat wearily, and with a smile which appeared to me to indicate that his heart was not in it, Mr. Soheily produced a clipping from the *Brooklyn Eagle* of June 13, 1936 which, under the caption "Stranger than Fiction," reproduced a sketch of the Shah, with the legend: "The present Shah of Persia descends from no long line of royalty—he himself was a stable boy originally."

His Excellency said that he had had the clipping on his desk for some time and had been undecided whether to bring it to my notice, but he had eventually concluded that it would be best to do so. He said that he realized my Government had no control over the press, but asked me to request the Department of State to make an investigation with a view to determining what lay behind the publication of such derogatory remarks in the American press which, as I could observe, kept recurring.

In reply, I first observed that the same sketch contained a somewhat derogatory reference to the American Pilgrims, and then briefly described the serial nature of the drawing, which merely illustrated facts unusual to Americans. The latter generally assumed that the Shah had inherited the throne of Iran from a long line of former Shahs. To them, therefore, the fact that His Imperial Majesty was what we would call a "self-made man", would be unusual. Far, however, from considering either the legend or the sketch derogatory, the American reaction would be just the opposite. The "self-made man" was a type with which we were thoroughly familiar and which we admired and respected. There was a suspicion in the United States that whatever a man inherited, he possibly would not have been able to acquire or achieve by his own efforts. But we knew that any individual who, like the present Shah, had hewn his way through to the top, must be a real and a great man.

I added that the statement which appeared in the legend was perhaps derived from the unfortunate *Mirror* article, and that I would communicate his request to the Department of State which was, of course, as interested as the Iranian Government in discovering whether there was any force at work which felt that it had something to gain by disturbing Irano-American relations through the appearance of offensive statements in the press concerning the Shah. I doubted greatly, however, whether any such state of affairs existed, was convinced that American journalists and editors had only sincere feelings of friendship and admiration for Iran and the Shah, and said that such unfortunate statements as appeared could be laid to ignorance.

I then pointed out that if the legend had been intended to be derogatory, this feeling would have been reflected in the drawing. But the sketch was of a vigorous, capable and intelligent man. I added a few remarks to the effect that the origins of several of our Presidents had been humble, but that this fact increased their appeal to the people of the country and the respect in which they were held, rather than the reverse.

Mr. Soheily replied that His Majesty had never claimed to be descended from a line of kings, and that French publications had from time to time referred to the Shah's earlier career as a private soldier,

and to this His Majesty had taken no exception, but that he did take exception to references to himself as a "stable-boy", which were not true.

I replied that the original statement to the latter effect had appeared in the *Mirror* and that, as the Under Secretary knew, this untrue statement had been corrected.

Considering the opportunity a good one, as Soheily seemed to be carrying out his duty without real zest and with some boredom, although conscientiously, I remarked that although the American press had given a good deal of annoyance to the Iranian Government, it could be turned to good account. I hoped that when a new Iranian Minister should be appointed to Washington, he would approach the press directly and in the right way; he would find that it was conducted by friendly, decent and capable men who would willingly learn the truth about Iran, and print material that would be pleasing both to Iran and to ourselves.

Soheily observed that it did not look as though the appointment of a new Minister would take place in the near future.

I said that naturally I did not presume to assume that a new Minister would be appointed soon, though of course I hoped one would be. I was merely trying to state the problem he would be up against, and to indicate some of the methods of dealing with it based on my personal knowledge of American conditions.

Soheily then said that huge appropriations would be needed to use with the foreign press for the purposes which I mentioned, which were not available.

I said that an appropriation was unnecessary, that I did not have paid propaganda in mind—that, as a matter of fact, it was impossible to buy news space in American journals. What I had in mind was that the new Minister would best meet the press problem by cultivating friendly personal relations with journalists and editors, and by informing them of what was going on in Iran. These men were friendly disposed and on the lookout for new and unusual material, and there was certainly an enormous amount of interest attaching to this country of which they were now largely in ignorance.

I added that American newspaper men hated nothing more than to see a foreign Minister running to the Department of State with complaints about the press. They liked a direct approach, and if an Iranian Minister who should be displeased about the press went directly to the editor and asked: "Why do you print such things about us?" he would be likely to get satisfactory results.

Soheily was unwilling to be led too far astray, and merely repeated his original request, to which I again assented. In reply to a question intended to bring out how much urgency he attached to the matter, he said that he did not think there was any necessity for using

the telegraph, but that he did wish to have a definite reply, because he was keenly interested in establishing who or what, in Iran, the United States or elsewhere, was responsible for attaching to the Shah, in the American press, descriptions of an untrue and offensive nature. He thought that it would be better to explain the matter fully to the Department of State in writing, and not to use the telegraph.

At the conclusion of the interview, he said smilingly that by now I must feel sure, every time he asked me to see him, that some bad news was in store. I replied cheerfully that it did not bother me in the slightest and that I was quite used to it, though I hoped that some day he would have something pleasant to impart.

In view of the foregoing, I should be grateful if the Department would ascertain and forward to this Legation, for verbal communication to the Under Secretary, the source of the statement printed with the sketch above-mentioned and also, if possible, the source of the similar statement contained in the notorious *Mirror* article of February 8, 1936. As respects the latter, I have seen several vague statements to the effect that the assertion in the *Mirror* that the Shah was once a "stable-boy" in the service of the British Legation was based on a similar assertion which appeared previously in some non-American publication. While we should not seek to shift an unpleasant burden from our own press to the press of any other particular country, it would help a good deal if we could be in a position to say definitely that the statement had been taken from the press of an unnamed foreign country. Of course, if the Department should find that there is some individual or interest which has been creating difficulties by causing the publication of troublesome items, that would be extremely valuable information to lay before the Foreign Office.

Several conclusions from the interview with the Under Secretary may now be ventured, which will already have occurred to the Department. One is that Soheily, and I think the rest of the Foreign Office, must now have firmly implanted in their minds the fact that the American press is free and independent and that there is nothing our Government can do to control it. Another is that the Under Secretary himself, and possibly also the Foreign Minister, are pretty well bored with the attitude of the Shah toward the foreign press.

During the conversation the Interpreter was able to ascertain that the clipping in question had been reported, but not actually shown, to the Shah. It may reasonably be inferred, I think, that the Foreign Office lacks any desire to have the ultimatum to the effect that the Legation would be sent away if more objectionable articles should appear, carried out. Whenever possible, therefore, as in this instance, it can be counted upon to present American press matters to His Majesty in such a way that his wrath will not be rekindled.

I am under the impression, however, that the suspicion of the Foreign Office that some person is in back of exceptionable articles in the American press, is quite sincere.

Respectfully yours,

GORDON P. MERRIAM

701.9111/590

*Mr. William H. Hornibrook to the Chargé in Iran (Merriam)*¹²

[SALT LAKE CITY,] July 29, 1936.

DEAR MR. MERRIAM: YOUR letter under date of June 24th,¹³ was received today and I hasten to correct what appears to be a misapprehension as to representations which were made by the Legation to the Iranian Government in connection with the attacks of the American press against the Shah.

In your letter you state: "According to my recollection, it was the Legation which on the 14th or the 15th of March suggested that you would do what you could about securing legal protection for foreign sovereigns from the American press when you reached home".

No such representations were at any time made by me, nor by any member of the Legation staff. The only representations authorized, and the only representations made as far as my knowledge goes, were in the form of a definite promise that I would be very glad indeed to present in their entirety, the views of the Iranian Government pertaining to a change in our Constitution immediately upon the date of my arrival in Washington. It was also rather broadly hinted to Soheily, that it would perhaps be unwise for the Foreign Office to take any further action in connection with its complaint as to unfriendly newspaper publicity in the American Press prior to the date of my arrival in Washington and the submission of my personal report on American-Iranian relations. This was done in the hope that a "cooling time" would thus be provided during the period that I was in transit. It was hinted that at such conference there might be a possibility of working out informally, some plan with the American Press Association which would be helpful, but at no time was an express or implied promise given that such an objective could be obtained, that I proposed to recommend a change in the organic laws of the United States or that I would do more than to present the views of the Iranian Foreign Office as to such proposed change.

The first intimation that Kazemi proposed to ask us to change our constitutional provisions came in the form of a veiled hint a week or two prior to the day of my departure, I think on the occasion when

¹² Copy transmitted to the Department by Mr. Hornibrook in letter of July 29; received August 7.

¹³ Not found in Department files.

I asked for an audience with the Shah or at one of the numerous diplomatic dinners, but the proposal took definite shape and form in all of its banality at the dinner given by the Prime Minister on the eve of my departure. I outlined to you briefly, the substance of that conversation just prior to leaving Teheran on the following morning but so the matter may be clarified in your mind and that there may be no doubt as to just what transpired at that interview, I am reducing to writing the salient features of the same to the end that it may be retained as a part of the permanent records of the Legation.

In anything but a happy and agreeable frame of mind, Kazemi approached me shortly after the dinner with a rather undiplomatic and bold statement that "articles such as recently appeared in the New York newspapers must be stopped by your Government". I once again called his attention to the constitutional provisions guaranteeing the freedom of the press, pointed out the impossibility of the Department exercising legal control over American publications, and asserted any suggestions which proposed to take away the constitutional provisions guaranteeing such freedom would, in all probability meet with vigorous opposition, both from members of Congress and the newspapers affected. I added that the publication of this and other articles of an uncomplimentary character were a matter of great regret to the Department and to myself and attempted to the best of my ability to minimize the effect of the same upon public sentiment in the United States.

Kazemi was in no frame of mind to listen to explanations. His reply was in the form of a question and an answer and was as follows: "Is not France like the United States, a Republican form of Government? France only recently changed its laws so that unpleasant comments about sovereigns of friendly states are now prohibited. What France did I am sure that your Country could do even tho a change in your laws would be necessary in order to accomplish this purpose".

I then explained to the Minister the long series of delays that would of necessity ensue under our form of Government in the event that a proposal of this character should be formally submitted to Congress. I ventured the opinion that perhaps the best that could be hoped for would be informal representations to the press by the Department of State but that I was not authorized to give any assurance as to the Department's position on that subject. I did agree, however, to submit his views to Washington as soon as I arrived, and, if, after the matter had been discussed I could find a way to be helpful, I would, of course, do what I could to work out some informal solution of the difficulty. This angle of the situation was thoroughly explored while I was in Washington with the result that

Department officials agreed the time was not opportune to take the matter up officially with the American Press Association.

The final words of the Minister were: "We are depending upon your Government to make the necessary changes in your laws and we are depending upon you to present our views to Washington". He asked as to the exact date of my arrival in New York and reminded me once or twice that he fully expected me to take the matter up both with the President and the Secretary of State. It should, therefore, appear quite plain that Kazemi left nothing to imagination or surmise.

[The remainder of this letter is of a personal nature unrelated to the subject discussed above.]

Sincerely yours,

WILLIAM H. HORNIBROOK

891.48 Mehabad/1 : Telegram

The Chargé in Iran (Merriam) to the Secretary of State

TEHERAN, August 7, 1936—noon.

[Received August 7—9:25 a.m.]

48. Unprecedented flood has occurred at Mehabad (formerly Saujbulak) causing destruction of 500 houses and the loss of more than 25 lives. American lives and property there believed safe. Also a severe earthquake has shaken Tabriz. Americans there are safe but extent of the damage if any to mission property is unknown at present. Recently there have been serious floods and earthquakes in several parts of the country. The Shah has personally contributed substantial relief funds.

Improved atmosphere now observable, would be strengthened by a direct telegram of friendly sympathy from the President to His Majesty. So far as I am aware thus far no chief of state has so acted. No allusion shall be made directly or indirectly to the American missions at the localities above mentioned.

MERRIAM

891.48 Mehabad/1 : Telegram

The Secretary of State to the Chargé in Iran (Merriam)

WASHINGTON, August 8, 1936—noon.

34. Your 48, August 7, noon. The President telegraphed the following message to the Shah on August 7:

"Deeply moved by the suffering caused by the recent floods and earthquakes in Your Imperial Majesty's dominions, I desire to extend to Your Imperial Majesty the expression of my profound sympathy."

In this connection and for your confidential information the Turkish Ambassador in Washington has suggested to his Government that the Turkish Ambassador in Teheran be authorized to approach the Shah informally and on his own responsibility with a view to making clear to the Shah the situation in this country respecting freedom of the press and American institutions in general.

In making this suggestion to his Government the Turkish Ambassador here has, at the Department's request, emphasized the fact that the suggestion did not emanate from this Government and the Turkish Ambassador in Teheran will be instructed to carefully avoid giving the Shah any reason to believe that this Government is at all concerned over the continued absence of Iranian representation in Washington.

If this matter is mentioned to you by the Turkish Ambassador you will confirm to him the facts set forth above.

HULL

701.9111/537

The Secretary of State to the Chargé in Iran (Merriam)

No. 255

WASHINGTON, September 14, 1936.

SIR: The Department acknowledges the receipt of your despatch No. 860 of July 25, 1936, reporting your conversation with the Iranian Under Secretary of State for Foreign Affairs with reference to an item which appeared in the *Brooklyn Eagle* of June 13, 1936, concerning the Shah. Your observations to Mr. Soheily, as reported in your despatch under reference, meet with the Department's approval.

With reference to the request of Mr. Soheily that the Department "make an investigation with a view to determining what lay behind the publication of such derogatory remarks in the American press", it is clear from the Department's inquiries and from its general knowledge of the subject that no agencies are working in this country with a view to weakening the long established ties of friendship between Iran and the United States. As you explained to the Under Secretary at the time of your interview, statements regarding the Shah such as that which appeared in the *Brooklyn Eagle*, even when they are erroneous, are in no wise intended to be derogatory to His Imperial Majesty. On the contrary, the people of this country from the earliest days have cherished the highest admiration for persons who have risen to positions of eminence as a result of their own ability and force of character. In this connection it is perhaps needless to recall that President Lincoln, who is admittedly an outstanding American statesman and an international figure, is even to this day commonly referred to as "The Rail-splitter" from the fact that in his youth he earned his

living by splitting trees for fence rails. That President Lincoln started life in such humble labors only adds to the admiration in which he is held by the people of this country.

Therefore, when the American press refers to the vigorous and manly background of the Shah, such references, even though historically inaccurate in certain instances, can be interpreted only as an effort, possibly misguided but nevertheless sincere, to honor His Imperial Majesty and raise him even higher in the estimation of the American people. Moreover, that the American press and the American people are animated by the most friendly sentiments towards Iran and towards its eminent ruler are clearly indicated by the numerous articles which appear in the daily papers and in periodicals commenting upon the rapid progress which Iran has made under the guidance of His Imperial Majesty.

The Department is therefore entirely persuaded that no agencies are working in this country with a view to beclouding American-Iranian relations. Indeed, even if inimical agencies should attempt to promote unfriendly feelings between the United States and Iran, it is difficult to understand how they could hope to succeed in the face of the obvious fact that the two countries have no conflicting interests.

You may bring the foregoing orally to the attention of Mr. Soheily and assure him in the most express terms that not only is this Government convinced that there are no factors seeking to weaken the ties of friendship between the two countries, but also that in the view of the Department no real basis exists upon which such a movement could be founded.

Very truly yours,

CORDELL HULL

**INQUIRIES BY THE UNITED STATES REGARDING THE NONDELIVERY
OF SECOND CLASS MAIL FROM THE UNITED STATES IN IRAN**

891.711/3

The Chargé in Iran (Merriam) to the Secretary of State

No. 766

TEHERAN, April 15, 1936.

[Received May 15.]

SIR: With regard to the statement contained in the Legation's telegram No. 30 of April 6, 12 noon¹⁴ to the effect that all second-class mail is being withheld from delivery upon entry into Iran, I have the honor to report that I have taken pains to ascertain whether this measure has been taken solely with respect to second-class mail of American origin, or with respect to all second-class mail of foreign origin.

¹⁴ *Ante*, p. 359.

According to the information that has come in from a large number of sources, the conclusion appears inescapable that only American second-class mail is being so treated. No announcement or explanation has been forthcoming from the authorities in this connection, but there seems to be little doubt that American newspapers and magazines are not being delivered in view of the consideration that some of them are likely to contain exceptionable commentaries upon the withdrawal of the Iranian representatives from the United States¹⁵ and the reasons therefor, circulation of which in this country would naturally be deemed undesirable.

Publications carrying items of this sort could be expected to arrive from the present time to the end of about three weeks, but non-delivery dates from about two weeks ago, thus coinciding with the withdrawal.

The withholding of American second-class mail has caused considerable inconvenience and annoyance to subscribers, both American and of other nationalities, and vigorous protests have been voiced to the postal authorities by private individuals, one of the most vigorous having been lodged by the American-born wife of a high official at the Ministry of Foreign Affairs.

The Legation is, and doubtless will continue to be, under strong pressure to protest. The British Chargé, who lays considerable store by a certain American newspaper, has told me that if and when I should decide to make representations, he would be glad to associate his personal protest. I have considered, however, that it would be unwise, in the absence of instructions from the Department, to take up the matter officially for the present, since the desire of the Iranian Government to prohibit circulation of printed matter in Iran which would be derogatory in tone or language to Iran or to the Shah is perfectly understandable. The diffusion of articles considered to be wounding to Iran or to His Majesty would in fact only serve to endanger the delicate relations which now exist, and might result in action by the Iranian Government of the nature indicated in my telegram No. 27 of March 30, 7 p.m.¹⁶

I think it preferable, therefore, to take no official notice of the non-delivery of American second-class mail until all the comments upon the withdrawal of the Iranian representatives which can reasonably be expected shall have ceased, and then merely to request information and explanations, but to refrain from lodging anything in the nature of a protest in the absence of specific instructions from the Department.

¹⁵ For the account of the withdrawal of Iranian representatives from the United States, see pp. 342 ff.

¹⁶ *Ante*, p. 357.

The measure has resulted in absurdities, as all general measures of the kind are bound to do, for technical publications such as the *American Medical Journal* which under no stretch of the imagination would be likely to contain any thing of an exceptionable nature, have been held up along with publications of a more general sort. The Government, of course, does not have such facilities as would enable it to examine all second-class mail coming from the United States and to eliminate only those publications the circulation of which is not desired.

Newspapers and magazines arriving for members of the Legation staff via the Department and the United States Despatch Agent at London have been delivered up to the present time, presumably because the packages within which the publications are rolled appear to have an official character.

Several instances in which letters have been opened and not officially resealed have also come to my notice. But this attention has been devoted to the mail of all nationalities without any apparent discrimination, and is probably related to the enforcement of the Foreign Exchange Control Law.

Respectfully yours,

GORDON P. MERRIAM

891.711/7

The Chargé in Iran (Merriam) to the Secretary of State

No. 795

TEHERAN, May 15, 1936.

[Received June 10.]

SIR: I have the honor to refer to my despatch No. 766 of April 15, 1936 on the above subject, and to report that second-class mail matter of American origin still remains undelivered.

On the occasion of an interview which I had with the Under Secretary of the Ministry of Foreign Affairs on May 6th I brought up this matter by inquiring when subscribers to American publications could expect to receive them, pointing out that many technical papers could not under any stretch of the imagination be thought to contain anything relating to Iran. I also told him of the large number of protests I had received.

The Under Secretary replied that he also had heard a large number of complaints on the subject, and promised "to do something about it."

When the Interpreter of the Legation saw the Under Secretary again on May 9th, he had in mind the thoroughly offensive articles on the Iranian withdrawal which appeared in the issue of *Time* dated April 13th, and several other articles containing unfortunate references to the Shah and to Iran which had recently come to the Legation's attention. He therefore asked the Under Secretary whether the latter had

recently seen any objectionable clippings from the American press. Mr. Soheily replied that he had not, and that those which he had seen were very much along the lines of what had appeared in the press of Teheran.

On May 3d, Mr. Gharib, Chief of the Press Bureau at the Foreign Office, had asked me to send him all the clippings I could from the American press on the subject of the Iranian withdrawal. At the same time he said he felt very friendly to Americans, regretted what had taken place, and so forth and so on. The following day I sent him two perfectly unexceptionable clippings, as I saw no reason why the Legation should cut off its own nose by sending him everything it had indiscriminately.

Yesterday I saw Mr. Gharib again at the Iran Club and asked him whether he had seen any large number of recent clippings. He said that he had, and that a number of them had "une très mauvaise tournure", from which I gather that the Foreign Office now knows the worst and is deciding what to do about it. It would not surprise me in the slightest if, sometime within the next two weeks, the Legation were packed off, with or without baggage, a possibility that was forecast in my telegram No. 27 of March 30, 7 p. m.¹⁷ On the other hand, we have had so much consistent bad luck that it seems impossible that it can hold.

As a further indication of the way the wind blows I may add that Mr. Myron Bement Smith, American architect-archaeologist at Isfahan, has been privately advised by M. Godard, the Frenchman in charge of the Iranian antiquities department, to be extremely careful in everything that he does.

Under the circumstances, any insistence that American newspapers and magazines should be allowed to come through would seem out of place for the present.

Respectfully yours,

GORDON P. MERRIAM

891.711/9

Memorandum by Mr. Raymond A. Hare of the Division of Near Eastern Affairs

[WASHINGTON,] June 5, 1936.

I got in touch with Mr. Weber of the International Postal Service Division of the Post Office Department today in connection with the non-delivery in Iran of second-class mail matter originating in this country and asked him whether he knew of any other similar cases which might serve as a precedent for the drastic action of the Iranian Government.

¹⁷ *Ante*, p. 357.

Mr. Weber stated that cases regarding the prohibition of specific items or types of second-class mail matter are of course very common and cited a number of such instances with reference to prohibitions maintained by Canada, British India, Japan, Czechoslovakia and Australia. In all of these instances, however, the prohibition was always on a book, pamphlet, particular issue of a periodical, or all issues of certain types of periodicals, with such restriction usually being based upon moral or political grounds. Mr. Weber was not aware, on the other hand, of any previous cases where a blanket prohibition had been placed upon all printed matter from this country.

When questioned as to whether the action of the Iranian Government might in any way contravene the provisions of the Universal Postal Convention signed in Cairo on March 20, 1934,¹⁸ Mr. Weber stated that he did not believe that the Iranians would be restricted by that agreement and referred specifically to Article 46, Section 1 (d) thereof, which provides that objects of which the admission or the circulation is prohibited in the country of destination should not be accepted for transmission but that in the event of their having been transmitted they should be subject to the domestic regulations of such administration as may discover them.

891.711/14

The Chargé in Iran (Merriam) to the Secretary of State

No. 823

TEHERAN, June 11, 1936.

[Received July 7.]

SIR: I have the honor to refer to my despatch No. 795 of May 15, 1936 reporting developments in the situation created by the non-delivery in Iran of American second-class mail matter.

It is a pleasure to be able to inform the Department that a considerable number of deliveries has recently taken place of books, advertising matter, magazines of an innocuous type such as college alumni publications, and a very restricted number of magazines and newspapers of a general character which have evidently been opened and inspected.

The Legation, and more particularly the Consulate, have been bombarded with protests on this subject from Americans in Iran, particularly missionaries, who became somewhat acid at the withholding of their publications, but are now back on the alkaline side.

The Legation can lay no claim to the partial solution of this matter, in regard to which it has taken no official action aside from my inquiry of the Under Secretary of State for Foreign Affairs on May

¹⁸ 49 Stat. 2741.

6th which was reported in despatch No. 795 of May 15, 1936. The Legation did not want to be in the position of requesting the release of the material only to have articles wounding to the Shah and to Iran broadcast throughout the country, and for this reason it has refrained from requesting instructions from the Department to this end. The whole matter was felt to be one of extreme delicacy and it is not surprising that subscribers, in large part missionaries living in remote stations who were and are unaware of exactly how delicate the situation is, should have become somewhat indignant and if they should feel, as I have no doubt they do, that the Legation has been unnecessarily weak about the whole thing.

A large number of protests has been lodged by missionaries and many other persons with post office and police officials, and it is the cumulative effect of these, it would seem, that has brought the Government to the point of sorting through the mail and delivering a portion of what was found to be non-objectionable.

It may be added for the Department's information that I have twice had an opportunity to comb through a portion of the American newspaper file at the Foreign Office, and in each instance I have been greatly relieved to find no magazine clippings. This feeling stems from the fact that the magazine *Time* has handled the Djalal incident, the Iranian withdrawal, and the Ghods matter, with a thoroughgoing lack of tact and good taste. It is impossible for me to open my copy, which comes via London and is therefore not held up, without a feeling of apprehension.

It is to be hoped that the censor, in clearing American second-class mail matter, will not clip magazine articles of this nature for distribution to the Government.

Respectfully yours,

GORDON P. MERRIAM

891.711/9

The Secretary of State to the Postmaster General (Farley)

WASHINGTON, June 22, 1936.

My DEAR MR. POSTMASTER GENERAL: Reference is made to recent telephone conversations between Mr. Stewart M. Weber, Assistant Director of the Division of International Postal Service of your Department, and an official of the Division of Near Eastern Affairs of this Department regarding the non-delivery of American second-class mail in Iran, and there are transmitted herewith for your confidential information copies of a despatch dated April 15, 1936, and of a portion of a despatch dated May 15, 1936, on this subject received from the American Legation in Teheran.

The telegram of April 6, 1936, to which reference is made in the despatch of April 15, merely made mention of the fact that all second-class mail entering Iran was being held for examination.

The most recent information received in this connection was a telegram from the Legation in Teheran dated June 6¹⁹ in which it was stated that delivery of certain unspecified types of American second-class mail had been renewed.

The Department would be pleased to receive any observations which the Post Office Department may care to make in this connection to the end that appropriate instructions may be sent to the Chargé d'Affaires ad interim at Teheran in the event that the Iranian authorities should show a disposition to maintain a discriminatory prohibition on American second-class mail.

Sincerely yours,

For the Secretary of State:
WILLIAM PHILLIPS
Under Secretary

891.711/13

The Acting Postmaster General (Howes) to the Secretary of State

WASHINGTON, July 2, 1936.

MY DEAR MR. SECRETARY: I have your letter, NE 891.711/3[9], of June 22, 1936, relative to the action of the Iranian Postal Authorities in placing a prohibition on the delivery of second-class publications from the United States due to the appearance in some of said publications of matter deemed by the Iranian Government to be of an objectionable nature.

While this Department would have no objection to representations on the subject being made to the Government of Iran through diplomatic channels, if you deem proper, it is pointed out that under the provisions of the Universal Postal Convention which governs the exchange of international mails, the Postal Administration of Iran has a right to consider the publications in question as prohibited articles and to treat the same in accordance with its domestic regulations.

Very truly yours,

W. W. HOWES

891.711/18

The Acting Postmaster General (Purdum) to the Secretary of State

WASHINGTON, August 21, 1936.

MY DEAR MR. SECRETARY: Reference is made to the recent telephone discussion between officials of the Division of Near Eastern Affairs of

¹⁹ Not printed.

your Department and of the Division of International Postal Service of this Department, with further respect to the action of the Iranian Postal Authorities in not delivering second-class publications from the United States due to the appearance in some of said publications of matter deemed by the Iranian Government to be of an objectionable nature.

It is desired to point out that while, as stated in the letter of this Department on the subject dated July 2, 1936, IHW-F-163/19-8111, the Postal Administration of Iran has a right to consider the publications in question as prohibited articles and to treat the same in accordance with its domestic regulations, it is contrary to the usual practice in the International Postal Union service for one Postal Union country to prohibit delivery of all publications from another Postal Union country because some of the publications sent from such other country contain matter objectionable to the country of destination.

In the opinion of this Department, the action of the Iranian Administration was not justified. In regular course, that Administration should have notified this Department as to the publications that had been found to contain objectionable matter in order that dispatch of such publications to Iran could have been withheld and the publishers so notified.

Very truly yours,

A. M. PURDUM

891.711/18

The Secretary of State to the Acting Postmaster General (Purdum)

WASHINGTON, September 8, 1936.

DEAR MR. PURDUM: Reference is made to your letter of August 21, 1936, regarding the action of the Iranian postal authorities in withholding delivery of a certain second-class mail matter of American origin.

Particular note has been taken of the last paragraph of your letter wherein you state that you regard the action of the Iranian Postal Administration as unjustified but that in any event that Administration should have notified your Department as to publications found to contain objectionable matter in order that dispatch of such publications to Iran could have been withheld and the publishers so notified. It is presumed that reference is made in this connection to Article 28 of the Universal Postal Union Convention of Cairo providing for notification in the event of temporary suspension of postal services in whole or in part.

In view of the facts set forth in your letter the Department suggests that it would seem desirable if this matter could be taken up at this

point by your Department directly and in a routine manner with the Iranian Postal Administration rather than through diplomatic channels as was originally envisaged in the Department's letter of June 22, 1936.

In the event that your Department concurs in this point of view the Department would appreciate being advised as to such action as you may propose taking.

Sincerely yours,

For the Secretary of State:
R. WALTON MOORE
Assistant Secretary

891.711/30: Telegram

The Secretary of State to the Chargé in Iran (Merriam)

WASHINGTON, November 4, 1936—6 p.m.

44. Department's instruction 266, October 6.²⁰ In view of the interest of American publishers in delivery of second-class matter in Iran please report by telegraph any important developments which may come to your attention. No direct action by the Legation would apparently be required, however, pending the receipt from the Iranian Postal Administration of reply to recent inquiry of Post Office Department.

HULL

891.711/31: Telegram

The Chargé in Iran (Merriam) to the Secretary of State

TEHERAN, November 12, 1936—9 p.m.

[Received November 12—9 a.m.]

59. Department's telegram No. 44 of November 4, 6 p.m. No new developments. I plan soon to acquaint Massoud-Ansari with the Department's effective action in facilitating entry of Hadjeb²¹ and think it would be a good opportunity to inquire at the same time informally and perhaps personally concerning the present status of the restrictions, citing the desirability of avoiding future representations and the pressure exerted increasingly by subscribers and publishers, while conceding the expediency of not delivering the few offending periodicals. This would permit the Iranian Government to rectify the situation officially on its own initiative. Please telegraph instructions.

MERRIAM

²⁰ Not printed.

²¹ Gholam Hassein Hadjeb-Davallou, an Iranian career diplomatic officer, who was sent to the United States to act as custodian of the Iranian Legation at Washington.

891.711/31: Telegram

The Acting Secretary of State to the Chargé in Iran (Merriam)

WASHINGTON, November 14, 1936—3 p.m.

46. Your 59, November 12, 9 p. m. The Department perceives no objection to an informal and personal inquiry such as you suggest. However, you should avoid initiating discussion of possible restrictions on "offending periodicals" or suggesting other concessions which might subsequently hamper the Department in making representations in behalf of American publishers, either individually or collectively.

MOORE

891.711/35

The Chargé in Iran (Merriam) to the Secretary of State

No. 938

TEHERAN, November 17, 1936.

[Received December 28.]

SIR: I have the honor to refer to the Department's telegram No. 44 of November 4, 6 P.M., to my telegram No. 59 of November 12, 9 A.M., and to the Department's telegram in reply, No. 46 of November 14, 3 P.M., with regard to the prohibition in Iran against the delivery of American second-class mail matter.

In accordance with the instructions contained in the Department's telegram last-mentioned, I sought and obtained an interview with Mr. A. H. Massoud-Ansari, Chief of the Third Political Division in charge of American affairs, on November 17.

After informing this official of the Department's action in facilitating the entry into the United States of Mr. Hadjeb-Davallou, and receiving his thanks, I observed that the best way to avoid trouble was to anticipate it, and continued that with this thought in mind I wished to ask him, on an entirely personal basis, whether he could inform me when subscribers in Iran to American newspapers and magazines could expect to receive their publications.

Mr. Massoud-Ansari replied that this was a question about which he would have to make inquiries of the competent authorities, and that he would do so and let me know what the status of the question was.

I then explained that subscribers in Iran to American periodicals, among whom were many Iranians and other non-Americans, had not received them for about eight months, with a few unimportant exceptions. The reason I asked the question, I continued, was that increasing pressure was being brought upon me by subscribers in Iran to make official representations respecting this matter. Those

who had spoken to me on the subject included, in addition to non-official subscribers, the Italian Minister, the Counsellor of the British Legation, the French Chargé d'Affaires, and the newly arrived Swedish Minister, all of whom took American newspapers. The latter in particular, who subscribed to several American publications, had been considerably nonplussed to discover that he could not expect to receive them in view of the present restrictions. Similarly, I said, increasing pressure was being brought upon the Department of State by the publishers. It was with these considerations in mind that I had thought it wise, at this time, to inquire in regard to the matter in a purely informal and personal manner.

The Chief of the Third Political Division listened attentively to the foregoing and again promised to make informal inquiries and to let me know the result.

It may be observed from the foregoing that I carefully avoided giving any impression that concessions might be made respecting individual publications, the delivery of which the Iranian Government might consider undesirable.

Respectfully yours,

GORDON P. MERRIAM

ATTITUDE OF THE DEPARTMENT OF STATE TOWARD THE CLOSING OF THE LUTHERAN MISSION AT MEHABAD (SAUJBULAK) BY THE IRANIAN GOVERNMENT

891.1163 Lutheran Orient Mission/95 : Telegram

The Chargé in Iran (Merriam) to the Secretary of State

TEHERAN, March 24, 1936—noon.

[Received 3 p.m.]

24. Lutheran missionaries at Saujbulak in Azerbaijan have been ordered to leave by the local governor. This morning I asked the acting Foreign Minister to delay action pending full investigation and drew his attention to the exchange of notes dated May 14, 1928,²² relating to missionary activities.

He did not mention *Mirror* article²³ during our friendly interview and of course I refrained from doing so.

He said that Anayat Ollah Sami'i heretofore Iranian Minister at Baghdad has been appointed Minister of Foreign Affairs.

MERRIAM

²² For text of notes, see *Foreign Relations*, 1928, vol. III, p. 724.

²³ The article in the New York *Daily Mirror* which led to the withdrawal of the Iranian representatives in the United States. See memorandum by the Under Secretary of State, March 14, and following correspondence, pp. 350 ff.

391.1163 Lutheran Orient Mission/96 : Telegram

The Chargé in Iran (Merriam) to the Secretary of State

TEHERAN, March 25, 1936—2 p.m.

[Received 2:45 p.m.]

25. My telegram of March 24, noon. Foreign Office states that the mission at Saujbulak is being expelled for continued association with disaffected elements in a frontier province. It is possible that the mission will be permitted to become established elsewhere. Mission was given 15 days, now about to expire, to dispose of property and has asked me to obtain 6 months. However, the Government desires them to depart at once and arrange disposal of the property later.

Two communications received from the mission have failed to give any facts or reasons which might explain action of the authorities.

I doubt if the foregoing results from any general policy to rid the country of missionaries since Soheily²⁴ was unacquainted with the matter. Also the Foreign Office states that it was approached in the first instance about the mission by the Azerbaijan authorities, it advised to act in accordance with its duties and that the mission has been under surveillance for about 5 months.

Shall I make further representations or inform the mission that it should work out its difficulties as well as it can.

MERRIAM

391.1163 Lutheran Orient Mission/97 : Telegram

The Secretary of State to the Chargé in Iran (Merriam)

WASHINGTON, March 27, 1936—10 a.m.

13. Your telegrams No. 24 March 24, noon, and No. 25 March 25, 2 p.m. Inadequacy of Department's information on subject precludes sending of definite instructions at this time as to appropriate action. The following observations are submitted for your guidance.

In the absence of clear evidence that activities of mission personnel violate condition on which permission to carry on their work was assured by the exchange of notes of May 14, 1928, you should firmly urge the withdrawal of order of expulsion and insist on a continued recognition of the right confirmed by that agreement. If you should consider that there is tenable ground for the charges made by the Iranian authorities, you will refrain from any representations regarding expulsion but request informally that reasonable consideration be shown the persons concerned in the execution

²⁴ A. Soheily, Iranian Under Secretary of State for Foreign Affairs.

of the order of expulsion. If it appears likely that expulsion order will be enforced, you should request a written statement by the Iranian authorities of the offenses with which missionaries are charged.

As regards property of the mission your attention is invited to instruction No. 596 of December 1, 1927,²⁵ from which it appears that, at that time, the question of title to the property had not been clarified. If you should now have reasonable evidence of the American ownership of the property you should oppose any precipitate action on the part of the Iranian Government which might prevent the owners from disposing of the property or force them to dispose of it at a substantial sacrifice.

Report more specifically on this subject as soon as information becomes available.

HULL

391.1163 Lutheran Orient Mission/109

The Chargé in Iran (Merriam) to the Secretary of State

No. 781

TEHERAN, May 1, 1936.

[Received May 27.]

SIR: I have the honor to report that according to Reverend Henry Mueller of the Lutheran Orient Mission at Mehabad (formerly Saujbulak), Azerbaijan, which is now in the process of liquidation at the desire of the Iranian Government, it was decided at the World Missionary Conference held at Edinburgh in 1910, that evangelistic missionary work among the Kurds should be undertaken by the Lutheran Church. Accordingly, the Lutheran Orient Mission is "accredited" to the Kurds as a people, and its field of effort is therefore in the areas in Iraq, Iran, and Turkey, which are inhabited by Kurds. The location of the Mission in one of these countries rather than in either of the other two is, therefore, governed by reasons of expediency and not of principle, and as the Mission is now being sent away from Kurdish territory in Iran, there is good reason to believe that an attempt may be made to relocate it in Kurdish Iraq. Of course, the attitude of Turkey toward Christian missionaries during the past quarter-century places Kurdish Turkey fairly out of the picture.

Mr. Mueller has himself mentioned such a possibility to me, adding that of course the ultimate decision will be up to the home Board. It is his understanding that missionary work in Iraq is regulated by treaty and he appears to think that as the policy of the Iraqi

²⁵ Not printed.

Government towards the Kurds is both lenient and enlightened, at least by contrast with the severe Kurdish policies of the Iranian and Turkish Governments, the presence of the Lutheran Mission would be welcomed by the Government of Iraq. I have suggested to Mr. Mueller that he call at the American Legation at Baghdad on his way home in order that he may be able to inform himself not only of the cold text of a treaty, but also of the political atmosphere in which missionaries carry on their work in Iraq and of any special factors which might affect working in the Kurdish areas of that country.

It may as well be said here that the Iranian authorities are aware of the possibility that the Lutherans may become established across the frontier and are disturbed at the prospect. Their information was probably obtained by reading correspondence of the Lutheran Mission. Iran is acutely conscious of the fact that Kurdish nationalism, while perhaps not a matter of great immediate concern, may raise its head in any one of the three countries in which the Kurds dwell, and it has done and is doing everything possible to prevent this from happening in Iranian territory. The task is rendered difficult by the indeterminate nature of the frontier for although the boundary was laid down in the Treaty of Erzerum of 1847,²⁶ and is understood to have been demarcated in 1914 by Perso-Turkish Commissioners, assisted by British and Russian Commissioners having arbitral powers, Mr. Mueller, who has traveled through the country, says that it is not possible to say where the authority of one country ends and that of another commences.

I do not think that the Iranian Government suspects the Lutheran Mission of political involvement in a Kurdish nationalistic movement. I do think that it is entirely unsympathetic to the evangelistic and other work of the Mission, on the ground that whereas the Iranian Government seeks to disestablish contact between the Kurds of Iran and those of Iraq and Turkey, to make them forget that they are Kurds and to realize that they are primarily Iranians—in a word, to wear down and finally to obliterate the differences between the Kurds and the Iranians—on the other hand, the work of the Mission serves to emphasize and deepen the differences which already exist. If the Mission does not actually foment Kurdish nationalism, at least it tends to prepare the soil for its growth. Mr. Mueller fully appreciates this point of view and, indeed, does not blame the Iranian Government in the least for desiring to see the Mission depart. He appears to realize that there is a fundamental conflict between the purposes of the Mission and those of the Government, and that the latter has the secular power to eliminate those who oppose its aims, which it is quite within its rights to utilize.

²⁶ Signed May 19/31, 1847, *British and Foreign State Papers*, vol. XLV, p. 874.

Mr. Mueller, it may be added, has the greatest admiration for the Kurds, whom he describes as a proud, simple, vigorous, clean-living mountain people. According to him, the policy adopted by the Iranian and Turkish Governments towards the Kurds within their borders have been severely oppressive. They have been continuously harried and thousands, even some women, have been shot. On the contrary, the Iraqi Government, while maintaining a firm hand, has encouraged the Kurds as a people, and desires to see them advance and develop as such. For this reason, many Iranian Kurds have emigrated to the Iraqi side.

Respectfully yours,

GORDON P. MERRIAM

391.1163 Lutheran Orient Mission/120

The Chargé in Iran (Merriam) to the Secretary of State

[Extract]

No. 835

TEHERAN, June 29, 1936.

[Received August 4.]

SIR: I have the honor to refer to my despatch No. 829 of June 18, 1936,²⁷ regarding the property of the American Lutheran Mission at Mehabad (Saujbulak), and to inform the Department that Messrs. Henry and Clarence Mueller²⁸ called at the Legation on June 27, 1936, to discuss the present state of affairs.

It appears that no word has come from the side of the Government in regard to the purchase of the property. Mr. Henry Mueller had consulted an attorney, Mr. Javad Mahin, an alumnus of the American High School (now Alborz College at Teheran), who apparently informed Mr. Mueller that he need not expect any difficulty over the title to the property from the Iranian Government, which would doubtless accept a statement from the American Legation to the effect that the Lutheran Mission had owned the property at Saujbulak for a certain number of years. The Government, Mr. Mahin thought, would place great importance on the circumstance that despite any technical doubts about the title which might exist, the Mission had consistently been in possession of the property as a Mission. Mr. Mahin had emphasized, however, that it was necessary to have someone pushing the matter through the Government, and he suggested that the Legation might do this, particularly if a written statement could be obtained from the Government that it agreed in principle to buy the property, and the missionaries could then leave Iran.

²⁷ Not printed.

²⁸ Assistant to the Reverend Henry Mueller.

The Messrs. Mueller were informed that the Legation could not issue any statement of the kind he described if such should be desired by the Iranian Government. To the suggestion that it would probably be sufficient if the Consulate furnished a statement, it was replied that the Consulate would doubtless take a similar position. It was pointed out that neither the Legation nor the Consulate could certify to anything that was not within their direct knowledge, and that as regards the Saujbulak property they would have to take the word of the missionaries, which could equally well be given to the Government directly. If the Government required evidence of use and ownership, this could be furnished by Government officials at Saujbulak and by friends of the Mission residing there.

The Messrs. Mueller were also informed that the Legation would be quite unable to handle the purchase of the Mission property by the Government. This was a private matter between the Lutheran Mission on one side and the Government on the other, and the Legation could not enter into the affair unless injustice were done. It was emphasized to them once more that so far as the Legation was aware, the Government was under no obligation whatever to purchase the property, and could hardly be expected to commit itself in advance in this respect. I gave it as my personal opinion that it would be best for them to employ reliable legal counsel and to remain in Teheran until the matter should be settled, and that the results probably would not be satisfactory if they should leave the country and leave the affairs of the Mission in the hands of an attorney.

Respectfully yours,

GORDON P. MERRIAM

891.1163 Lutheran Orient Mission/124

The Secretary of State to the Chargé in Iran (Merriam)

No. 245

WASHINGTON, August 21, 1936.

SIR: Your despatch No. 835 of June 29, 1936, regarding the liquidation of the Lutheran Orient Mission at Mehabad (Saujbulak), has been received.

The Department approves of the position which you have taken in refraining from issuing a written statement with reference to the occupancy of the Mission property, and in advising the representatives of the Mission of the inability of the Legation to act as the Mission's agent in effecting sale of its property.

As regards the statement on the third page of your despatch that "the Government was under no obligation whatever to purchase the property," the Department is of the opinion that this is a matter which

would require consideration only in the event that the present negotiations between the Lutheran Orient Mission and the Iranian Government should break down and the Mission be unable to find any means of disposing of the property at an equitable figure. In that event the Department would be prepared to instruct you as to its views on this point. In the meantime, you should avoid any further expression of opinion with reference to such obligations as may, or may not, have been created by the action of the Iranian authorities in closing the Mission at Saujbulak.

There is enclosed for your information a copy of a letter dated August 1, 1936, received from the Lutheran Orient Mission, Hamilton, Ohio, together with a copy of the Department's reply.²⁹

You are requested to keep the Department currently advised of future developments in this matter.

Very truly yours,

For the Secretary of State:
R. WALTON MOORE

PROPOSED EXTRADITION TREATY BETWEEN THE UNITED STATES
AND IRAN

211.91/1

The Secretary of State to the Chargé in Persia (Childs)

No. 271

WASHINGTON, March 20, 1934.

SIR: I enclose a draft of a proposed treaty of extradition³⁰ between the United States and Persia, which you will please present to the appropriate authority with the request that consideration be given to the question of the acceptability of this draft to the Persian Government. In this relation, you may point out that the United States has extradition treaties with almost all of the countries of the world excepting Persia, and that it is very desirous of concluding such a treaty with the Persian Government.

If you shall advise the Department by telegraph that it appears that the Persian Government is prepared to sign a treaty of extradition with the United States in line with the draft submitted, full powers will be sent to you to sign on behalf of the Government of the United States. It is hoped that it will be possible to arrange for such signing at an early date, but, of course, the Department will give consideration to any changes in the draft submitted which may be proposed by the Persian Government.

Very truly yours,

For the Secretary of State:
R. WALTON MOORE

²⁹ Neither printed.

³⁰ Draft not printed. Except for a few minor differences, the proposed draft was the same as the Extradition Treaty between the United States and Albania, signed March 1, 1933; for text, see *Foreign Relations*, 1933, vol. II, p. 133.

211.91/2 : Telegram

The Minister in Persia (Hornibrook) to the Secretary of State

TEHERAN, April 17, 1934—noon.

[Received 1:40 p.m.]

16. Advised today by Chief of Treaty Division, Persian Government ready to negotiate extradition treaty but reserve the right to make changes in draft submitted. He also agreed I would be safe in cabling for full powers.

HORNIBROOK

211.91/13

The Minister in Iran (Hornibrook) to the Secretary of State

No. 648

TEHERAN, December 12, 1935.

[Received January 8, 1936.]

SIR: I have the honor to refer to my despatch No. 639 of November 29, 1935³¹ and to report as follows:

On December 5 at the German Legation I met Dr. Ahmad Matine Daftary, Under Secretary of the Iranian Ministry of Justice. He informed me that he had been commissioned by the Foreign Office to discuss the proposed treaty of extradition between the United States and Iran.

The Under Secretary called my attention to the International Conference for the Unification of Penal Laws at Copenhagen and asserted that his Government would prefer in principle to enter into extradition treaty negotiations along the lines of the projects adopted by this body in 1931, 1933, and 1935 in Paris, Madrid and Copenhagen, respectively. He added that his Government would be quite willing to consider any special clauses that the United States might desire to incorporate in such a treaty. It might be mentioned in connection with the above suggestion that Ahmad Matine Daftary was a delegate to the International Conference for the Unification of Penal Laws at Copenhagen and was elected Vice-President of the organization.

I asked the Under Secretary if the Department of Justice had any objection of a vital character to the draft which was submitted to the Foreign Office by the American government. He reluctantly admitted that Sections 5 and 25, pertaining to bigamy and crimes against the laws for the suppression of traffic in narcotics, appeared to be rather out of harmony with Iranian law on these subjects. In answer to this objection I pointed out the saving clause in Article 1, but suggested that my Government had no intention or desire to insist upon the exact wording of the draft submitted and that I should be very

³¹ Not printed.

glad indeed to have him revise the sections which he had mentioned and that I would then submit the revised draft to the Department of State for rejection or approval.

To the above suggestion the Under Secretary urged that his Government would prefer the draft made by the International Conference for the Unification of Penal Laws. I asked him if I might have a copy of the proposed draft for submission to the Department and he replied that if I would send Mr. Saleh, Legation Interpreter, to his Ministry on the following day that he would be pleased to furnish a copy and to explain to him in Persian what he had explained to me in his imperfect English.

When Mr. Saleh called, Mr. Daftary was unable to find a printed copy, but was able to furnish the enclosed rough draft³² of projects of this character which he asserted had received the approval of the Conference. His explanation of the position of his Ministry to Mr. Saleh coincided with the explanation which he had given to me at the German Legation.

A few days later while calling at the Foreign Office on another matter I brought up the subject of my conversation with Mr. Ahmad Matine Daftary. I informed the Acting Minister that while I would of course be more than pleased to forward the draft which Mr. Daftary had submitted, I was rather of the opinion that much time could be saved in the event that the Department's draft could be revised in keeping with the views of the Ministry of Justice. To this suggestion the Acting Minister appeared to be in accord, and he assured me that he would discuss the matter again with Mr. Daftary and ask him to revise and transmit to the Legation the draft which I had previously presented to the Foreign Office. This has not yet been received, but I am enclosing herewith the French text of the rather imperfect draft offered by the Ministry of Justice as of possible interest to the Department.

Respectfully yours,

WM. H. HORNIBROOK

211.91/14

The Secretary of State to the Minister in Iran (Hornibrook)

No. 182

WASHINGTON, January 23, 1936.

SIR: I have received your despatch No. 648 of December 12, 1935, in regard to the proposed extradition treaty between the United States and Iran. You enclose the French text of a counter draft of the proposed treaty supplied by the Under Secretary of the Iranian Ministry

³² Not printed. This draft is the same as that found in *Actes de la Conférence, Sixth International Conference for the Unification of Criminal Law, Copenhagen, 1935, p. 417.*

of Justice, who informed you that this draft is in accordance with the proposal adopted by the International Conference for the Unification of Penal laws. You added that at your suggestion the Acting Minister of Foreign Affairs has apparently agreed to the submission to you of specific suggestions for the amendment of the draft treaty which the Department proposed.

It is hoped that you will receive at an early date the suggested revision of the Department's draft especially as the draft submitted by the Under Secretary of the Ministry of Justice is unsatisfactory to this Government in several important particulars and represents a wide variance from the extradition treaties which the United States has concluded with almost all of the countries of the world.

For your information the draft you forwarded is unsatisfactory in the following important respects:

It omits a list of extraditable crimes and offenses, which list is contained in all of the extradition treaties of the United States and which is considered highly desirable from the standpoint of definiteness and certainty;

It does not provide for the production of evidence making out a prima facie case of guilt against the person whose extradition is requested;

It does not provide for the mechanics of the procedure involved in case of extradition. Such a provision is regarded as necessary under the laws of the United States;

It limits unduly the definition of political offenses, and,

It provides that a contracting party which refuses to surrender one of its nationals must place him on trial for the offense committed abroad. Under its system of jurisprudence the United States could not carry out such an obligation.

Referring to statements contained in your despatch, the Department advises you that if the Iranian Government so desires, the United States would be willing to omit bigamy from the list of extraditable crimes. However, it is hoped that it may be possible to include therein crimes against the laws for the suppression of the traffic in narcotics, and you will please endeavor to bring this about.

Very truly yours,

For the Secretary of State:
R. WALTON MOORE

211.91/17

The Secretary of State to the Minister in Iran (Hornibrook)

No. 184

WASHINGTON, February 4, 1936.

SIR: I have received your despatch No. 659 of December 25, 1935, with which you enclosed a note from the Under Secretary for Foreign Affairs³⁵ suggesting that the proposed extradition treaty between the

³⁵ Neither printed.

United States and Iran be based upon proposals for such treaties heretofore adopted by the International Conference for the Unification of Penal laws.

Reference is made to the Department's instruction No. 182 of January 23, 1936, wherein it was indicated that the proposal in question would not be satisfactory from the standpoint of the United States on which to base an extradition treaty of this Government.

With its instruction No. 271 of March 20, 1934, the Department sent to your Legation a draft of a proposed treaty of extradition and stated that it would give consideration to any changes in the draft submitted which may be proposed by the Government to which you are accredited. You telegraphed on April 17, 1934, that you were advised by the Chief of the Treaty Division of the Persian Government that his Government was ready to negotiate a treaty of extradition but reserved the right to make changes in the draft submitted.

The Department has not since been informed as to any specific changes which the Government of Iran desired to make in the draft treaty which you submitted but is confronted at this late date with a proposal that the treaty be based on a very different draft and one which is entirely unacceptable to this Government.

In view of the foregoing it is considered that the Iranian Government should submit such changes as it desires to make in the draft which the Department submitted, and it is hoped that you will be able to bring about such action at an early date.⁸⁶

Very truly yours,

For the Secretary of State:
R. WALTON MOORE

REPRESENTATIONS BY THE UNITED STATES REGARDING DISCRIMINATION AGAINST AMERICAN TRADE RESULTING FROM THE GERMAN-IRANIAN CONVENTION FOR THE REGULATION OF PAYMENTS OF OCTOBER 30, 1935

662.9131/19

The Minister in Iran (Hornibrook) to the Secretary of State

No. 737

TEHERAN, March 6, 1936.

[Received April 2.]

SIR: I have the honor to invite the Department's attention to the apparent discrimination against American trade which arises principally from the terms of Article XVII of the Convention for the Regulation of Payments between Germany and Iran which was signed

⁸⁶ The Iranian Government, however, submitted no changes to the draft as suggested by the Department. It was equally unresponsive to inquiries made by the Department in January 1937 and April 1938.

on October 30, 1935.³⁷ A copy of this agreement, in French, was transmitted to the Department with the Legation's despatch No. 664 of December 27, 1935,³⁸ but for the purpose of presenting the matter fully and clearly, there are enclosed herewith a suggested translation³⁸ of the Convention, and of the Regulations which have been issued by the Iranian Government to give effect to the agreement in this country.

Article XVII reads as follows:

"Export certificates shall not be granted with respect to Iranian merchandise exported to Germany. Permits for the entry of German merchandise into Iran shall be granted without presentation, in counterpart, of export certificates."

For the system of export certificates and import permits which applies to the foreign trade of Iran with the generality of countries, including the United States, there is substituted, with respect to the trade with Germany, a system of certificates of origin and import compensation permits. No discrimination of importance would arise in case the system last-mentioned operated in the same manner as the export certificate-import permit system which applies to the United States and to other countries except Germany.

The following differences, however, appear to exist:

1. American exports are admitted to Iran subject to the production of import permits; these permits are based upon export certificates showing the prior export of Iranian products of at least equivalent value. German exports to Iran are not subject to these requirements.
2. For import permits covering American exports to Iran a percentage, now 15%, of the value of the invoices must be paid, whereas it does not appear that an equivalent charge is exacted for "import compensation permits" issued under the terms of the Irano-German convention.
3. Import permits for American exports to Iran are issued only up to 85% of the value of the export certificates produced, whereas no such limitation is imposed on German exports to Iran.

From press accounts of the Irano-German Convention which have come to the attention of the Legation, there is a strong likelihood that an undivulged subsidiary agreement has been reached between the Iranian and German Governments by which the trade of these two countries is to proceed by barter. In consequence, it is believed that this trade is intended to balance, although the Convention contains no specific provision that it should do so.

The actual handicap under which American trade and the trade of other countries suffers as compared with German trade is probably

³⁷ For text, see Iran, Administration des Douanes, *Statistique Commerciale de l'Iran en 1314-1315 (22 juin 1935-21 juin 1936)*, p. 364.

³⁸ Not printed.

not serious, an opinion which is supported by the fact that no American exporters to Iran, or Iranian importers of American goods, have thus far indicated to the Legation any sign of displeasure at the terms of the Convention. The reason for their lack of interest may perhaps be found in the circumstances that a large proportion of the imports from Germany into Iran is not commercial imports in the ordinary sense, but consists of machinery and equipment for the Government and for the establishment of Iranian industries.

A question of principle, however, is involved, and the Legation is informed that on this basis the Belgian, British, Czechoslovak and French Legations in Teheran have been instructed by their respective Governments to make representations to the Iranian Government. A copy of the British note to the Iranian Minister of Foreign Affairs is enclosed herewith.³⁹

It may be noted that Article XVII of the Convention is easily terminable under the terms of Article XVIII. There is attached a suggested draft³⁹ of a note to the Iranian Foreign Minister which is respectfully submitted for the Department's approval. It is more specific than the British note, which may be thought to err on the side of over-simplicity.

Before the present despatch was typed, the Legation sent the draft to Vice Consul Crain for his comments.

Mr. Crain questioned whether there is not a possibility that importers of German goods may have to pay for "import compensation permits" a sum corresponding to the 15% charge for import permits, which does not appear in the regulations. The Legation agrees that undisclosed stipulations may exist which either compensate for or narrow the field of the discrimination, but it seems to have no choice but to base its conclusions and recommendations upon the known terms of agreement.

Mr. Crain adds:

"The Iranian defense, if any is offered, for not charging 15% of the invoice value in the case of importers of German goods may be that exporters of Iranian goods to Germany do not receive the bounty which exporters receive in the case of exports to other countries."

This point appears to be well taken. The Iranian Government might say: "We do not have to charge 15% of the invoice value of imports because we do not have to pay 10% of the value of exports." It might even go so far as to add: "We do not have to operate this system with respect to our trade with Germany because that trade is in balance." The answer to the first statement would seem to be that notwithstanding any principle of compensation involved, i. e., if we pay a bounty

³⁹ Not printed.

on our exports the money must come from somewhere, and it might as well come from imports, the system places a handicap upon American exports to Iran to which German exports are not subject. The second statement would amount to an absurdity so far as the trade with the United States is concerned because the balance of that trade is favorable to Iran.

Mr. Crain agrees that as a matter of principle we should present our views to the Foreign Office.

Respectfully yours,

WM. H. HORNIBROOK

662.9131/19

The Secretary of State to the Chargé in Iran (Merriam)

No. 233

WASHINGTON, July 20, 1936.

SIR: Reference is made to Mr. Hornibrook's despatch No. 737, dated March 6, 1936, regarding apparent discrimination against American trade arising from the Convention for the Regulation of Payments between Germany and Iran which was signed on October 15, 1935. It has been noted that protests in this connection have been made to the Iranian Government by the Belgian, British, Czechoslovak and French legations on behalf of their respective governments and that the Legation suggests that similar action be taken by this Government.

According to the terms of the convention in question the Department understands that importers of goods from Germany receive import permits without being obliged to produce export certificates, such as are required in the case of imports from the United States. This would appear to place German goods in a more favored position than those of the United States and hence to constitute discrimination against American trade contrary to the terms of the Provisional Agreement with reference to Commercial Relations between the United States and Iran, effected by the exchange of notes of May 14, 1928.⁴⁰

Unless you perceive some compelling reason to the contrary, therefore, you are authorized to communicate these views in writing to the Iranian Government and state that this Government trusts the Iranian Government will give this matter its sympathetic consideration and will at the earliest opportunity take appropriate measures to remove the present apparent discrimination against imports from the United States. The Department is of the opinion that a note drafted along these lines is preferable to the rather detailed draft submitted with your despatch under acknowledgement.

In taking action on this matter you will, of course, give due consideration to such results as may have attended the protests lodged by

⁴⁰ *Foreign Relations, 1928, vol. III, p. 724.*

the Belgian, British, Czechoslovak and French legations. This is also a matter concerning which the Department expects that you will keep it fully advised.

There is enclosed for your information a copy of a memorandum ⁴¹ on this subject prepared in the Division of Trade Agreements.

Very truly yours,

For the Secretary of State:
FRANCIS B. SAYRE

662.9131/25

The Chargé in Iran (Merriam) to the Secretary of State

No. 947

TEHERAN, December 9, 1936.
[Received January 11, 1937.]

SIR: I have the honor to refer to the Legation's despatch No. 737 of March 6, 1936, and to the Department's instruction No. 233 of July 20, 1936, with reference to the apparent discrimination against United States trade with Iran which arises from Article 17 of the Irano-German Convention of October 30, 1935.

Communication of the Department's views was delayed for a certain time, partly in view of the somewhat strained state of existing relations. It was thought that when the Irano-German Convention was published by the Iranian Government, it might be found that at the time of ratification alterations were made which would take into account the discrimination to which attention had already been called by communications from the British and a few other Legations. However, the Convention has not yet appeared in any official publication, and communication of our views for the reason mentioned can scarcely be postponed any longer.

A more recent consideration has been the new situation arising from the law of November 8, 1936, which made certain changes with regard to the issuance of export certificates and import permits, which were in effect favorable to American trade. The question arose whether sufficient practical discrimination remained to justify a communication.

An exchange of memoranda has recently taken place between the Legation and the Consulate for the purpose of clarifying this point, from which it would appear that while the more obvious price disadvantages incurred by American goods as compared with German goods seem to be largely offset in one way or another, the complicated procedure and the delays and deposits required with respect to American goods in connection with the necessity of obtaining import

⁴¹ Not printed.

permits are still substantial. Accordingly, a communication in the sense of the Department's instruction is being communicated to the Iranian Foreign Minister. A copy is enclosed herewith.

There are also enclosed herewith copies of the memoranda ⁴² to which reference has been made.

According to the Commercial Secretary at the British Legation, the replies received to the communication of several Legations calling attention to the apparent discrimination arising from Article 17 are to the effect that there is no discrimination because Iran is prepared to enter into similar agreements with other countries. The British Legation referred the question of entering upon negotiations for a clearing convention to the Foreign Office. According to the same source, Czechoslovakia is definitely uninterested in such an agreement. Czech heavy industry is busy with armament orders, and if Iran does not wish to trade except on a compensation basis there are ample markets elsewhere.

Respectfully yours,

GORDON P. MERRIAM

[Enclosure]

The American Chargé (Merriam) to the Iranian Minister for Foreign Affairs (Samiy)

No. 485

TEHERAN, December 9, 1936.

MR. MINISTER: I have the honor, acting under instructions from the Department of State at Washington, to draw Your Excellency's attention to the terms of the Convention for the Regulation of Payments between Iran and Germany which was signed on October 30, 1935.

According to the terms of the Convention, importers of goods from Germany apparently receive import permits without being obliged to produce export certificates, such as are required in the case of imports from the United States. This would appear to place German goods in a more favored position than those of the United States and hence to constitute discrimination against American trade contrary to the terms of the Provisional Agreement with reference to Commercial Relations between the United States and Iran, effected by exchange of notes on May 14, 1928.

My Government trusts that the Imperial Government will give this matter its sympathetic consideration and will at the earliest opportunity take appropriate measures to remove the present apparent discrimination.

I avail myself [etc.]

GORDON P. MERRIAM

⁴² Neither printed.

IRAQ

PRELIMINARY NEGOTIATIONS BETWEEN THE UNITED STATES AND IRAQ FOR A TREATY OF COMMERCE AND NAVIGATION, A TREATY OF GENERAL RELATIONS, AND A TREATY OF NATURALIZATION

711.90G/35

*The American Minister Resident in Iraq (Knabenshue) to the Acting Iraqi Minister for Foreign Affairs (Gailani)*¹

No. 43

BAGHDAD, July 25, 1933.

EXCELLENCY: I have the honor to enclose a copy of a draft Treaty of General Relations² which I have been requested by my Government to submit to the Iraqi Government as a basis for negotiation for the conclusion of a treaty in regard to the future relations of our respective Governments.

The provisions of the draft treaty are for the most part similar to those which have been included in treaties between the United States and other countries. The following explanations and comments regarding certain provisions may be of assistance to you in your consideration of the draft treaty.

Article I. In connection with the reference in this article to the conclusion of a consular convention, I may inform you that the United States Government is prepared to undertake negotiations for such a convention at any time after the present treaty shall have been concluded.

Article IX. This article would extend to the United States and its nationals the assurances given by Iraq in Article 12 of its Declaration to the Council of the League of Nations.³

With reference to the provision whereby nationals of the United States would be eligible for appointment to posts in the Iraqi judicial system as long as any such posts are reserved to nationals of any other foreign country, it is intended that the provisions of Article 2 of the Judicial Agreement between Great Britain and Iraq⁴ would apply,

¹ Copy transmitted to the Department by the Minister Resident in his despatch No. 169, August 26, 1933; received September 15.

² The draft is not printed. It was sent to the Minister Resident as an enclosure to instruction No. 18, February 17, 1933, which is missing from Department files.

³ May 30, 1932, League of Nations Document No. A.17.1932.VII: *Request of the Kingdom of Iraq for Admission to the League of Nations*, p. 3.

⁴ Signed at Baghdad, March 4, 1931; for text, see League of Nations Treaty Series, vol. cxxiii, p. 77.

mutatis mutandis in respect of the United States. Under the agreement referred to British legal experts are selected by His Majesty the King of Iraq with the concurrence of His Britannic Majesty. The corresponding procedure in the case of the United States would be the selection of American legal experts by His Majesty the King with the concurrence of the President of the United States.

In respect to this particular point I should be glad to receive from Your Excellency, in writing, a confirmation of this understanding on the part of the Iraqi Government.

Articles XV to XVIII include provisions regarding naturalization which in certain respects would appear to be in conflict with Iraqi law. However, it is hoped and believed that a solution of this seeming difficulty may be found, and with this object in view I shall hope to discuss the matter with you at your convenience.

In connection with the provisions of Articles XX, XXI, and XXIII regarding the treatment to be accorded by each Party to goods originating in the territory of the other, it should be understood that these provisions are not construed by the United States Government as affecting the right of either Party to adopt measures to counteract dumping, bounties, undervaluation or unfair methods or acts in foreign trade, so long as such measures are applicable under like circumstances and conditions in respect of trade with every foreign country. In other words, the levying of antidumping or countervailing (anti-bounty) duties, or additional duties for undervaluation, or the prohibition of the importation of dumped, bounty-fed, or undervalued goods, or goods involved in unfair trade practices, is not regarded as inconsistent with the obligations imposed by the most favored nation clause or with the provisions against the imposition or [of?] prohibitions or restrictions on the importation of merchandise.

Article XXVI provides for national and most favored nation treatment in regard to tonnage dues and other port charges on vessels as distinguished from duties on their cargoes. This means that an Iraqi vessel entering a port of the United States, or an American vessel entering a port of Iraq, from any given foreign port would be entitled to as favorable treatment in regard to such charges as national vessels or those of any third state entering from the same foreign port. Under the laws of the United States vessels of all nationalities, including American, pay tonnage dues at the rate of two cents per ton when entering ports of the United States from certain nearby foreign ports, whereas such vessels entering from any other foreign port pay tonnage dues at the rate of six cents per ton. Thus the six cent rate is applicable to all vessels, including American, coming from Iraq and from all other countries except the nearby countries specified in the statute. Article XXVI of the enclosed

draft treaty should not, therefore, be construed as requiring the United States to extend the application of the lower rate to vessels coming from Iraq.

The reservations throughout this draft treaty regarding the Panama Canal Zone, the Philippine Islands and other dependencies of the United States, and Cuba, are customary provisions in treaties of the United States. On the other hand it will be noted that paragraphs (b), (c) and (d) of Article XXXI contain the substance of the reservations included by Iraq in Part 2 of Article 11 of its Declaration to the Council of the League of Nations.

In submitting the enclosed draft treaty for the consideration of the Iraqi Government, it should be understood that my Government reserves the right to propose changes in the draft treaty at any time throughout the negotiations.

I avail myself [etc.]

P. KNABENSHUE

711.90G/48

*The Acting Iraqi Minister for Foreign Affairs (El Hashimi) to the American Minister Resident in Iraq (Knabenshue)*⁶

No. 1596

BAGHDAD, February 17 [12], 1936.

EXCELLENCY: I have the honour to inform you that the draft treaty of general relations enclosed in your letter No. 43 dated July 25, 1933, which you were kind enough to send to this Ministry, has been under very careful consideration.

This Ministry, in spite of its desire to expedite a reply, was unable to avoid the long delay which has occurred, owing to the variety of subjects dealt with in the draft.

These subjects concern different departments of the Iraqi Government which it has been necessary to consult in order to obtain their views. Moreover certain provisions of the draft affecting as they do the domestic laws of this country required close examination by legal experts.

Although some provisions are still under consideration particularly from the point of view of the developing policy of the Iraqi Government, this Ministry holds the view, following upon oral discussions last week, that the most convenient mode of proceeding would be to divide the subject-matter of the draft into several categories. This would conduce to an earlier conclusion of this matter.

This Ministry would be glad to learn your Government's views about the division of the draft into several categories.

I avail myself [etc.]

Y. EL HASHIMI

⁶ Copy transmitted to the Department by the Minister Resident in his despatch No. 591, February 20; received March 19.

711.90G/48

The Secretary of State to the Minister Resident in Iraq (Knabenshue)

No. 208

WASHINGTON, May 14, 1936.

SIR: The receipt is acknowledged of your despatch No. 591 of February 20, 1936,⁷ transmitting a copy of a note dated February 12, 1936, from the Iraqi Foreign Office containing its observations on the draft treaty of general relations submitted by this Government.

The Department is prepared to negotiate three separate treaties with reference to commerce and navigation, general relations (residence and establishment), and naturalization, respectively. It believes that a treaty of commerce and navigation is most important at this time, and accordingly desires to begin negotiations looking toward the conclusion of such a treaty first.

It is noted that on pages 5 and 6 of the memorandum of your interview with the Director General of the Foreign Office on July 15, 1935,⁷ you express doubt as to the advisability of proposing negotiations for a commercial treaty owing to the fact that the Iraqi Government is considering the adoption of a new trade policy. An examination of the possible objections of the Iraqi Government reported in your later despatch under reference, leads to the conclusion that the objections are specific in nature and not general.

You are requested to ascertain whether a proposal for the negotiation of a commercial treaty would meet with the concurrence of the Iraqi Government. Negotiations for a treaty of residence and establishment could follow, and the naturalization treaty would be last in order.

For your information the Department desires to point out that in the negotiation of a commercial treaty it must insist upon the inclusion of an article providing for unconditional most-favored-nation treatment, a principle to which this Government is firmly committed. To conclude a commercial treaty without the unconditional most-favored-nation clause would not only be futile but even prejudicial to American interests.

Very truly yours,

For the Secretary of State:
FRANCIS B. SAYRE

711.90G2/7 : Telegram

The Minister Resident in Iraq (Knabenshue) to the Secretary of State

BAGHDAD, June 24, 1936—11 a. m.
[Received June 24—9:30 a. m.]

15. Minister for Foreign Affairs expresses willingness Iraq to negotiate commercial treaty with the United States on a basis of un-

⁷ Not printed.

conditional most-favored-nation treatment with one reservation only, namely, in respect to countries formerly included in Ottoman Empire in Asia and will accept American reservations in respect to Cuba, Philippines and Panama Canal Zone.

KNABENSHUE

711.90G2/7: Telegram

*The Acting Secretary of State to the Minister Resident in Iraq
(Knabenshue)*

WASHINGTON, June 29, 1936—5 p. m.

14. Your No. 15, June 24, 11 a. m. Department accepts basis of negotiation including reservation with respect to countries formerly included in Ottoman Empire in Asia.

Draft treaty will be prepared here.

PHILLIPS

LIBERIA

EUROPEAN SUGGESTIONS FOR IMPOSING A MANDATE UPON LIBERIA; BRITISH RECOGNITION OF BARCLAY GOVERNMENT AND IMPROVE- MENT IN LIBERIA'S INTERNATIONAL POSITION

882.01/60 : Telegram

The Minister in Liberia (Walton) to the Secretary of State

MONROVIA, July 16, 1936—9 a. m.

[Received July 17—12:40 a.m.]

23. Liberian officials greatly disturbed over information privately received of a growing feeling in England that Liberia should be mandated to Germany in exchange for former African colonies. I have been requested to advise the Department of persistent rumors.

Liberian Consul at Liverpool reports that official of the German Consulate there in applying for a visa for a national recently remarked to white clerk "Mr. Cooper will not need this (seal) much longer."

WALTON

882.01/61a

The Secretary of State to the Chargé in Liberia (Wharton)

No. 23

WASHINGTON, October 6, 1936.

SIR: There are enclosed copies of three news items¹ which recently appeared in certain American newspapers, purporting to be based on an editorial in the September 24, 1936, edition of the *African Morning Post* of Monrovia,² regarding alleged Polish aims in Africa, particularly in Liberia.

The Department would be interested in receiving your comments on these articles, with particular regard to their source and the reasons underlying the attack in the *African Morning Post* on the Polish experts, Dr. Ludwik Anigstein and Mr. C. J. Brudinsky.³

Very truly yours,

For the Secretary of State:

R. WALTON MOORE

882.01/62 : Telegram

The Chargé in Liberia (Wharton) to the Secretary of State

MONROVIA, November 26, 1936—9 a.m.

[Received 3:22 p.m.]

40. Referring to Department's instruction No. 23, October 6. I mailed yesterday despatch 63⁴ fully reporting conference with Bar-

¹ Not reprinted.

² Not of Monrovia but of Accra, Gold Coast.

³ Both had been appointed by the Liberian Government as unofficial advisers in 1934 following Liberia's refusal of League of Nations Assistance Plan. Anigstein served as health specialist and Brudinsky as economic adviser.

⁴ Not printed.

clay in which he voluntarily brought up Polish question and informed me as follows:

1. Liberian Minister, Paris, suggested to Polish Minister there that in view of good relations between their two countries Poland should endeavor to counteract press reports by publishing declaration concerning Poland's intentions towards Liberia.

2. He had received a despatch from Liberian Minister dated November 6th reporting that instead of answering suggestion Polish Minister informed him that he had been instructed to make firm protest against news item in *Weekly Mirror*⁵ on October 2nd by Carrand [*Caranda*] said to be a Liberian copy of an article from the *News Review* of London entitled "Leakage of German-Polish Plan Originates in Warsaw" and the protest carries with it a threat that if Liberian Government does not publish statement in *Mirror* that news item does not coincide with its views Polish Government would be inclined to withdraw support formerly given Liberia at Geneva in case any new negotiations between Liberia and the League arise.

3. Barclay asked me formally what would be my Government's attitude should there possibly be some foreign aggression against Liberia.

4. I replied that I was not in position to answer this question.

5. He remarked that he is fully cognizant of our neutrality law and policy but feels that if my Government issues statement that she would look with disfavor on any hostile act against Liberia, position of his Government would be greatly strengthened.

WHARTON

882.01/68

Memorandum by Mr. Hugh S. Cumming, Jr., of the Division of Western European Affairs

[Extract]

[WASHINGTON,] December 11, 1936.

Despite the reports which have reached us of the increasingly satisfactory conditions in Liberia there has been, during the past year or so, a series of books, news stories and statements by various persons all tending to disparage Liberia and the Liberians and to paint a gloomy picture of the Republic's present and future. Last year Prime Minister Hertzog of South Africa suggested publicly that Liberia be delivered to Germany as a mandated territory—other suggestions to the same effect have been attributed to European sources,

⁵ Published in Monrovia. This news item was a letter to the editor by Douglas Caranda, who also annexed to his letter the article referred to above, said to have been copied from the *News Review* of London.

and that solution to the "Liberian problem" has been suggested in a recent book by two British journalists. This propaganda, for such it may be termed, against Liberia has naturally occasioned considerable concern among the Americo-Liberians and among friends of Liberia in the United States.

The concern felt in Liberia has been expressed by President Barclay in recent conversations with both the American Minister and the American Chargé at Monrovia. On November 26, 1936, Mr. Wharton, our Chargé at Monrovia, telegraphed that in a recent conversation "Barclay asked me formally what would be my Government's attitude should there possibly be some foreign aggression against Liberia". Mr. Wharton replied that he was not in a position to answer the question. The President then remarked that "he is fully cognizant of our neutrality law and policy but feels that if my Government issues statement that she would look with disfavor on any hostile act against Liberia, position of his Government would be greatly strengthened."

While it would not seem to be desirable at this juncture to issue any public statement of our attitude towards an aggression against Liberia, it is suggested that there are two steps which we might probably take which would be of practical benefit to Liberia and would not involve us in any action contrary to our general policy to undertake no commitments on the African continent single-handed:

(1) The British declined last year to join with us in recognizing Liberia because of the unsettled Kru problem.⁶ In view of the recent apparently satisfactory settlement of this problem and the commendable progress which Liberia has made during the past year and a half in putting her own house in order, the Department might informally bring these facts to the attention of the British Government, possibly through the British Embassy here, and inquire what the present attitude of the British is towards recognition.

Our close cooperation with the British in Liberian matters in the past would make it not inappropriate for us to address such a friendly question to them. If by such action we can encourage the British to recognize the Barclay Government, it would, it is believed, go a long way towards strengthening Liberia's international position and would undoubtedly further encourage Barclay to continue the constructive work he has begun. In this connection it may be noted that our Chargé at Monrovia recently reported that his British colleague had intimated to him that he favored recognition by Great Britain.

(2) During the period of friction between the Firestone interests and Liberia we quite properly refused all of Mr. Firestone's requests

⁶ See note from the British Ambassador, May 20, 1935, *Foreign Relations*, 1935, vol. I, p. 946.

that a cruiser be sent to Monrovia to enforce his claims against the Government. Now, however, that normal and apparently friendly relations have been established between Firestone and the Liberian Government and since there are no outstanding differences between Liberia and the United States, it is suggested that a friendly visit of an American warship to Monrovia might serve a very useful purpose for both countries.

I am told that nearly every naval vessel sent to Europe on a shake-down cruise is routed by the Azores. From the Azores to Monrovia is only four or five days steaming, so for one of our ships to continue its cruise to Monrovia would involve comparatively little additional time or expense. It is my understanding that no American naval vessel has visited Liberia since 1928.

882.01/65 : Telegram

The Minister in Liberia (Walton) to the Secretary of State

MONROVIA, December 15, 1936—9 a.m.

[Received 11:20 a.m.]

44. Confidentially and reliably informed Great Britain will recognize Liberia Wednesday, December 16th, at 11 a.m., when British colleague presents credentials.

WALTON

882.01/68

Memorandum by Mr. Hugh S. Cumming, Jr., of the Division of Western European Affairs

[WASHINGTON,] December 15, 1936.

Today after the receipt of Monrovia's telegram No. 44, December 15, 9 a.m., reporting in confidence that Great Britain would recognize Liberia on December 16 at 11 a.m., Mr. Dunn ⁷ telephoned Mr. Broadmead ⁸ at the British Embassy. Mr. Dunn recalled to Mr. Broadmead that last year the British had declined our suggestion that they recognize Liberia on the ground that their public opinion demanded that they await a settlement of the Kru question. Mr. Dunn then said that according to our reports the Kru question had now been satisfactorily settled by the surrender of Chief Nimley, and that we had heard rumors that the British were therefore about to recognize Liberia; that the American Government would be very glad to hear that this was true.

⁷ Chief of the Division of Western European Affairs.

⁸ Philip M. Broadmead, First Secretary of the British Embassy.

Mr. Broadmead replied that the Embassy had received a copy of an instruction to the British representative in Monrovia directing him to present his credentials as Chargé d'Affaires, but that the Embassy had received no instructions from the Foreign Office to so inform the State Department. Mr. Broadmead confirmed the foregoing in a subsequent telephone call to Mr. Dunn, and said that the Foreign Office instruction to Monrovia was dated November 17.

It is believed that the foregoing conversation will tend to remind the British of our interest in Liberia, and that we noticed in this instance their failure to keep us informed of their attitudes towards Liberia as we had them of ours in the past.

882.01/76

The Minister in Liberia (Walton) to the Secretary of State

No. 68

MONROVIA, December 19, 1936.

[Received January 29, 1937.]

SIR: In reference to telegrams No. 44, December 14 [15], 9 a. m. and No. 45, December 15 [16], 3 p. m.,⁹ respectively, relative to the resumption of normal diplomatic relations between the Government of Great Britain and the Government of Liberia, I have the honor to report that on Wednesday, December 16, 11 a. m., the British Chargé d'Affaires presented his letter of credence to the Secretary of State here.

[Here follow texts of the British letter of credence and the Liberian acknowledgment.]

Rapprochement between the two governments has occasioned general satisfaction throughout the Republic. Since recognition of the Liberian Government by the American Government in 1935, failure of the British Government to take similar action has been a source of irritation and unconcealed resentment among the Liberian people. The right (moral or otherwise) of one member of the comity of nations to withhold diplomatic recognition from another member, based primarily or solely upon the existence of a revolt against organized government by a negligible few, has been indignantly and vigorously challenged and disputed by Liberians of all walks of life. It will be noted that in presenting his credentials the British Chargé d'Affaires declared his government was motivated in resuming normal diplomatic relations because of "the recent solution of the Kru question."

⁹ Latter not printed.

With the circulation in recent months of disturbing rumors emanating from Europe, and published in the European and American press, intimating that certain European powers are in a mood to petition the League of Nations for a mandate over Liberia, *rapprochement* between His Majesty's Government and the Government of the Republic of Liberia has had a salutary and psychological effect in strengthening the morale of the Liberian people, who are now inclined to assume an optimistic attitude. They entertain and express the hope: (1) that Great Britain harbors no imperialistic ambitions to deprive Liberians of their political and territorial integrity; (2) that the British Government's latest diplomatic gesture presages the position it, in all probabilities, would take if any power in or out of the League of Nations served notice or manifested a desire to carry on a campaign of aggression against the Republic of Liberia; (3) that as long as the American Government continues its traditional policy of giving the Liberian Government moral support in any whole-hearted endeavor to establish needy [*needed?*] reforms throughout the Republic, and the Governments of Great Britain and France maintain their present policy of friendliness and amity, there is little likelihood or danger of the sovereignty and autonomy of the Liberian people being seriously threatened.

Respectfully yours,

LESTER A. WALTON

[For Department's statement of December 17, 1936, regarding resumption of diplomatic relations by the United Kingdom with Liberia and regarding progress being made in Liberia, see Department of State, *Press Releases*, December 19, 1936, pages 529-531.]

MOROCCO

OBJECTION OF THE UNITED STATES TO PROPOSED MODIFICATION OF THE CUSTOMS REGIME IN THE FRENCH ZONE OF MOROCCO¹

681.006/37: Telegram

*The Ambassador in the United Kingdom (Bingham) to the
Secretary of State*

LONDON, January 16, 1936—6 p.m.
[Received January 16—3:30 p.m.]

22. Foreign Office has given the Embassy the following information with the request that it be kept strictly confidential.

The British Government has received a note from the French Government stating in somewhat vague terms that it is considering the establishment of a regime of quotas in French Morocco to compensate for losses which will be incurred on the imposition of sanctions² in that zone of the protectorate. The note specifically mentions cotton, woolen and silk textiles and automobiles.

The Foreign Office has replied requesting more precise information as regards the quotas and basis upon which they will be calculated.

As regards its views on the subject, the Foreign Office made the following informal observations to the Embassy:

(1) The British Government has no objection to the imposition of sanctions in French Morocco and when announced will issue appropriate regulations.

(2) As regards quotas, should the reply of the French Government make proposals in accordance with the Anglo-French exchange of notes of January 29, 1935,³ the Foreign Office pointed out that the British Government would probably not object. In this connection the Foreign Office added that a quota on woolen textiles was not covered by the above-mentioned exchange of notes.

(3) While the French note was not explicit, the Foreign Office assumes that the French Government will offer to other interested governments portions of the trade enjoyed by Italy in return for consent to the establishment of quotas and/or in return for promises of increased purchases of Moroccan products.

(4) Although as stated above the attitude of the British Government to the French proposal will depend to some extent on the answer

¹ Continued from *Foreign Relations*, 1935, vol. I, pp. 951-998.

² Against Italy. For correspondence regarding the Ethiopian-Italian conflict, see pp. 34 ff.

³ See telegram No. 41, January 30, 1935, 5 p.m., from the Chargé in the United Kingdom, *Foreign Relations*, 1935, vol. I, p. 963.

to further inquiries which they are making in Paris, the Foreign Office would welcome a reply to the memorandum of the British Embassy at Washington, dated September 18 last.⁴

BINGHAM

681.006/43

*Memorandum by the Chief of the Division of Trade Agreements
(Grady)*

[WASHINGTON,] February 6, 1936.

It is at least questionable whether this Government should, as suggested by WE,⁵ acquiesce in regard to the proposed quota on textiles imported into the French Zone of Morocco. It is true, as WE points out, that our exports of textiles average only about \$25,000 to \$30,000 annually. However, the following considerations should, I believe, be taken into account:

1. The British *Aide-Mémoire*⁴ in effect asks us to agree to the imposition of a quota on textiles imported into Morocco which is designed to shut out Japanese competition in consideration of the alleged advantages we have received as a result of the discriminatory quotas imposed in the British West Indies which have greatly restricted sales of Japanese textiles in those markets.

2. The suggested reply may be interpreted as a tacit acceptance of the foregoing proposition. Such acceptance would, in my opinion, be unwise because

(a) it would be tantamount to cooperation with the British in placing discriminations in the way of Japanese trade;

(b) it might well be interpreted by the British as recognition of the alleged benefits we have received from anti-Japanese measures in the British colonies and of our willingness to pay for such alleged benefits; and, hence,

(c) it would tend to weaken our position to combat the preferential policy which Great Britain has been pursuing in many instances in its relations with non-British countries. It is proposed to hand to the British Ambassador, in the near future, a memorandum setting forth the implications of such a policy.

3. Our acquiescence in the textile quotas might well be interpreted by the Japanese, who have gone a long way to cooperate with this Government by the "voluntary" restriction of exports of textiles to the United States and the Philippines⁶ and of various other products to the United States, as an unfriendly act.

4. The ostensible reason for changes in the tariff regime in Morocco is the need of increased customs revenue. Although moderate increases in the duties on certain products for which the demand in Morocco is fairly inelastic may be expected to augment the customs

⁴ *Foreign Relations*, 1935, vol. I, p. 994.

⁵ Division of Western European Affairs.

⁶ See *Foreign Relations*, 1935, vol. III, pp. 940 ff.

revenue, it is difficult to see how import quotas would contribute to that result. It would appear, therefore, that the quotas are proposed by France and Great Britain solely as a means of gaining competitive advantages in the Moroccan market.

5. It is by no means clear that the United States, as contrasted with certain branches of our textile industry, has benefited by the discriminatory quota against Japanese textiles in the British West Indies. Textiles—mainly of cotton—are necessary imports, used by the farm and labor sections of the populations. If they are forced by a discriminatory quota to pay considerably more for their cotton goods, they must either buy less of cotton goods or less of imported food-stuffs and manufactured products (other than textiles) than they would be able to buy in the absence of such a quota. A greater portion of the country's available foreign exchange is required for textile imports if the volume of such imports is maintained. Consequently, any gains in exports of textiles may well be at the expense of other products of the United States.

The effects of the quota may be delayed for some time while stocks of Japanese textiles last.

6. Merely because our interest in the textile trade in Morocco is small, it does not necessarily follow that the proposed textile quota would not injure United States trade with Morocco, for the reasons given under 5 above.

In view of the above considerations, it is suggested that the proposed reply be changed so as to eliminate the acquiescence in the proposed textile quota. The reply would then reaffirm our position that the quota system, being inherently discriminatory, is one which this Government would not be willing to agree to in the case of Morocco, but that this Government is willing, in view of the need of the Moroccan Government for increased revenue, to agree to moderate tariff increases on a selected list of products.

If, despite tariff increases, a case could be made for quota restrictions, consideration might be given to acquiescing in quotas based on a period or periods which would not result in flagrant discriminations as between the several supplying countries, as a temporary trade control measure.

HENRY F. GRADY

681.003/214

Memorandum by the Chief of the Division of Western European Affairs (Dunn)

[WASHINGTON,] February 16, 1936.

The Minister of the Netherlands^a came in this morning to discuss the questions he brought up on his visit to the Department on February 12, as set forth in a memorandum of that date^b which he left with me.

^a Jonkheer H. M. van Haersma de With.

^b Not printed.

This memorandum brought up the subject of the Dahirs which have been issued in the Spanish and French Zones of Morocco affecting the importation of various articles from abroad into those zones. The Minister stated that in the opinion of his Government many of these Dahirs resulted in discriminations against the importation of foreign products in favor of French or Spanish products according to the particular zone in which the Dahir went into effect. He asked whether we had had occasion to make any protest against the operation of these Dahirs.

I informed the Minister of the action we had taken with regard to these Dahirs along the following lines, and further informed the Minister that any later information which came to light in this relation we would be glad to give him :

The Diplomatic Agent at Tangier has been active in protesting, under instructions from the Department of State, to the Protectorate authorities of Morocco against their violations of the letter and the spirit of the Moroccan treaties. Twenty-four such violations have been noted since 1930. In fact, because of Mr. Blake's long service in Tangier, and because the United States has never waived its capitulatory rights in Morocco, it may be said that the American Diplomatic Agent in that country has taken the lead in opposing infringement upon the rights of the United States, and by implication, upon the rights of the other nations signatory of the Act of Algeiras.¹⁰

On November 9, 1934, the Chief of the Western European Division (Mr. Moffat) gave the Chargé d'Affaires of the Netherlands an accurate summary of this Government's position with respect to Morocco when he said, in substance, that from our point of view the essence of the Moroccan question is the maintenance of the "open door" in that country.¹¹

We do not uncompromisingly oppose any change in the existing regime; in fact, we have already suggested that a higher tariff on goods entering Morocco would not be an unacceptable solution to the financial problems said to be confronting the Protectorate authorities. We have always held, however, that the parties to the Act of Algeiras should be consulted and that each Power should acquiesce before any change is made in the customs regime in Morocco.

The Department is engaged at the present time in studying the question of its present and future relations with Morocco. It is hoped that this study will be concluded within a few weeks. We will then be in a position to discuss these matters further with the Netherlands Minister.

JAMES CLEMENT DUNN

¹⁰ General Act of the International Conference of Algeiras, signed April 7, 1906, *Foreign Relations*, 1906, pt. 2, p. 1495.

¹¹ *Ibid.*, 1934, vol. II, p. 855.

681.003/216

*The Diplomatic Agent and Consul General at Tangier (Blake) to the
Secretary of State*

No. 1138

TANGIER, March 6, 1936.

[Received March 20.]

SIR: I have the honor to transmit to the Department herewith an English translation of a dahir dated January 2, 1936,¹² which purports to regulate the importation of, and trade in, carpets and rugs in the French Zone of Morocco, and I also enclose a copy of a note¹² addressed to the French Resident General, by this Diplomatic Agency, on the subject.

I do not doubt that the Department will concur in my view that we should cooperate, as far as possible, with the Protectorate Government, in all proper measures to defend Moorish native industries from the effects of unfair competition. It was therefore only after the most careful consideration that I have deemed it impossible to avoid the formulation of the reservations contained in my note above mentioned, in regard to the violation, by certain provisions of the dahir, of a basic principle of the Act of Algeciras, namely, "economic liberty without any inequality." In these conditions, I anticipate that the Department may desire to instruct me to confirm, on its behalf, the reservations which I have made.

My colleagues of Holland and of Belgium inform me that their governments have filed, with the Protectorate Government, protests on similar grounds, against the dahir.

The American Consul at Casablanca reports that his British colleague has forwarded to his Government, with his endorsement, the objections of the British Chamber of Commerce at Casablanca. Aside from the treaty violations above referred to, these objections point out that the definition of the prohibited articles is so vague as to leave ample scope for arbitrary interpretation and action by the Protectorate authorities. It is also suggested that Moroccan carpet makers, by imitating, themselves, the designs of imported machine-made carpets, which have long been popular among the well-to-do natives of Morocco, would be able to bring under the ban of the dahir an imported carpet trade of both normal character and long standing.

Respectfully yours,

MAXWELL BLAKE

¹² Not printed.

681.003/216

*The Secretary of State to the Diplomatic Agent and Consul General
at Tangier (Blake)*

No. 894

WASHINGTON, April 6, 1936.

SIR: The Department has received your despatch No. 2038 [1138] of March 6, 1936, with respect to the Dahir dated January 2, 1936, for the regulation of the importation of, and trade in, carpets and rugs in the French Zone of Morocco. The Department notes that you have addressed a communication to the Resident General pointing out that the Dahir in question is contrary to existing treaty provisions, and it approves your action.

The Department desires that you should address a second note to the Resident General, referring to your note of March 3, 1936, and stating that the Department of State has instructed you to express its surprise at the action of the Protectorate authorities in promulgating a decree so contrary to the spirit and letter of the existing treaties. You should add that the Department cannot recognize the validity of this Dahir since it clearly violates the principle of "economic liberty without any inequality" established by the Act of Algeciras by (1) prohibiting the importation of products legitimately entitled to entry into Morocco, and (2) imposing a discriminatory tax on the importation of certain other products into Morocco.

Very truly yours,

For the Secretary of State:

WILLIAM PHILLIPS

681.003/205

The Department of State to the British Embassy

AIDE-MÉMOIRE

In its *Aide-Memoire* of September 18, 1935,¹³ the British Embassy requested the views of the Government of the United States with respect to proposed changes in the commercial régime now in operation in the French Zone of Morocco. These changes would involve the imposition of quantitative restrictions on the importation into Morocco of certain commodities and the increase of certain customs rates.

The Government of the United States has been steadfast in its position that the doors of Morocco should be kept open on a basis of commercial equality for all nations, including France, the Protectorate Power. The proposal to institute a system of quotas runs counter not only to that position, but also to the trade program in which the

¹³ *Foreign Relations*, 1935, vol. I, p. 994.

United States is actively engaged. As His Majesty's Government is aware, this program is designed to restore international trade by a lowering of the barriers that hamper its natural flow and by its liberation, insofar as possible, from the many extraordinary restrictions and handicaps which have been placed upon it in recent years.

The Government of the United States holds steadfastly, in the development of its commercial policy, to the rule of equality of treatment. It believes that this rule, by enabling the international exchange of goods to follow lines of economic benefit and by avoiding the many retaliatory acts to which discrimination gives rise, is essential for the rebuilding of international trade. Its judgment in this matter has been supported by much disinterested opinion in which the authoritative expression is to be found in a report of the League of Nations inquiry into clearing agreements.¹⁴ The pursuit of this rule requires that nations give equal opportunity in their markets to all countries which follow the same policy, and accordingly refrain from creating preferences. Furthermore, it is not susceptible of producing its full benefit, in which the trade of all will share, unless countries are willing to refrain from seeking a preferred position in the markets of other countries; for discriminations thereby are inevitably created which tend to produce retaliatory restrictions.

The Government of the United States has at all times in the exercise of its treaty rights in Morocco endeavored to cooperate in every feasible way in the commercial and economic development of Morocco. Therefore, if Moorish economy now finds need for increased revenue from customs sources, the Government of the United States is prepared, and has previously so stated, to acquiesce in reasonable increases in existing customs rates of duties on commodities imported into Morocco. It should be understood, however, that the Government of the United States is not unmindful of the fact that through the means afforded by Article 96 of the Act of Algeciras the actual customs rates are frequently well in excess of the 12½ percent ad valorem, by reason of an arbitrary fixation of value of merchandise. On the other hand, the Government of the United States is not convinced that the imposition of quantitative restrictions upon the importation of certain items of merchandise into Morocco would serve to increase the revenues of the Shereefian Government. Nor is it clear that the proposed quota system would necessarily contribute to the best economic interests of the Moroccan people.

From the foregoing, His Britannic Majesty's Government will appreciate the manifest difficulties, apparently insuperable, which pre-

¹⁴ League of Nations, Economic and Financial Committees, Joint Committee for the Study of Clearing Agreements, *Enquiry into Clearing Agreements* [Geneva, 1935], (Official No.: C.153.M.83.1935.II.B.).

vent the Government of the United States from acquiescing in the proposed establishment of a quota system in Morocco. As is shown, however, by its disposition towards a possible modification of the Moroccan tariff rates, the Government of the United States is by no means uncompromisingly opposed to any change, nor does it wish to assume a legalistic attitude towards the Moroccan problem. Nevertheless, the present régime in Morocco is squarely based upon legal provisions incorporated in international agreements, and the United States believes that these provisions of law ought not to be changed except by due process of law. Therefore, and as evidence of its sincere desire to cooperate with His Britannic Majesty's Government and with the Protectorate Government of Morocco, the Government of the United States is prepared to agree to participate in a frank discussion, between representatives of all the interested powers, of the various problems involved.

WASHINGTON, April 27, 1936.

REPRESENTATIONS BY THE UNITED STATES AGAINST DISCRIMINATORY PASSPORT REGULATIONS IN THE SPANISH ZONE OF MOROCCO ¹⁵

811.11101 Waivers 81—

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

No. 1110

MADRID, April 17, 1936.

[Received May 2.]

SIR: With reference to my despatch No. 881 of September 11, 1935,¹⁵ regarding the action of Spanish consular officers in requiring visas of American citizens intending to enter the Spanish Zone in Morocco, I have the honor to enclose the copy and translation of a Note just received from the Foreign Office, dated April 3. This Note states that in the judgment of the High Commission there cannot be deduced either from the letter or the spirit of the Convention of 1880¹⁷ the interpretation which the Department of State gives to Article 17 of the Madrid Convention. The penultimate sentence of the Note reads as follows:

“Moreover, in view of the fact that the Washington Government has not given official recognition to the Spanish Protectorate in Morocco, Your Excellency will understand that there exists an evident difficulty

¹⁵ Continued from *Foreign Relations*, 1935, vol. I, pp. 1018-1025.

¹⁶ Not printed; see *ibid.*, p. 1024, footnote 39.

¹⁷ Convention as to protection between Morocco and other powers, signed July 3, 1880, William M. Malloy (ed.), *Treaties, Conventions, etc., Between the United States of America and Other Powers, 1776-1909* (Washington, Government Printing Office, 1910), vol. I, p. 1220.

as to arriving at a bilateral agreement with regard to this matter, a circumstance which makes all the more difficult the extension to American citizens of the benefits of the suppression of a passport visa in order to enter the Spanish Zone."

It will be noted that the Spanish Note refers only to my Note No. 346 of December 17, 1934¹⁸ and although it attempts to refute the arguments put forward in my Note No. 535 of September 10, 1935,¹⁹—a copy of which was enclosed in my despatch No. 881 of September 11—it makes no specific reference to this Note. I have taken advantage of this omission to keep the matter open and to write a Note to the Foreign Office, a copy of which is also enclosed, asking that the matter of visas may be reconsidered in the light of the observations made in the Note of September 11.

Respectfully yours,

CLAUDE G. BOWERS

[Enclosure 1—Translation]

The Spanish Minister for Foreign Affairs (Barcia) to the American Ambassador (Bowers)

No. 57

MADRID, April 3, 1936.

EXCELLENCY: I have the honor to refer to Your Excellency's Note No. 346 of last year in which, with reference to previous communications on the same matter, and to this Ministry's Note No. 20 of February 12 of last year,²⁰ Your Excellency insists upon the point of view of the American Government that by virtue of Article 17 of the Madrid Convention of 1888 [1880] and by virtue of the clause relating to most-favored-nation treatment American citizens have the right to exemption of passport visas to enter the Spanish Zone of the Moroccan Protectorate, a treatment similar to that which has been conceded to other countries.

Leaving out the considerations of moral order and the factual transformation which Morocco has undergone since there were signed during the past century the old treaties between the empire of Morocco and other countries which would justify the necessity of obtaining for the Spanish Zone a liberty of initiative imposed by circumstances of fact and policies of a very different nature from those

¹⁸ Not printed; see instruction No. 174, December 6, 1934, to the Ambassador in Spain, *Foreign Relations*, 1935, vol. I, p. 1018.

¹⁹ Not printed; see instruction No. 274, August 23, 1935, to the Ambassador in Spain, *ibid.*, p. 1023.

²⁰ *Ibid.*, p. 1022.

that governed the situation during the past century, it is well to point out that the most-favored-nation clause includes the right to invoke from other countries an absolute reciprocity as to the concessions which are made. If any other interpretation were given to the most-favored-nation clause the result would be inequitable and the Spanish Zone of Morocco would have to remain in a situation of frank inferiority with respect to other countries.

Moreover, in the judgment of the High Commission there cannot be deducted either from the letter or the spirit of the Convention of 1880 the interpretation which the Department of State in Washington gives to Article 17 of the Madrid Convention of 1880 which confirms previous agreements in those which establish with various countries the most-favored-nation clause on the basis of reciprocity. Morocco has not at any time renounced so equitable a principle and in proof of this there can be cited among other documents the King's Regulation of 1935 giving to automobiles registered in the Spanish Zone equal privileges to those obtained in the Zone by automobiles of British registration.

There does not exist on the part of the Spanish Government the least intention of making any difficulty for American citizens in the Zone of the Protectorate, although it is not possible to agree to the thesis that Morocco has lost the right to invoke reciprocity in her relations with other countries, nor is it possible to give to the United States a concession which supposes a more favorable situation. Moreover, it is impossible to establish the precedent of giving advantages without an equivalent counterpart.

In conclusion, I must invite the attention of Your Excellency to the fact that the Netherlands and Switzerland obtained the advantage which the United States desires in exchange for the giving in just reciprocity to the natives of the Zone the same right in their respective territories with the exception of the Dutch colonies (dahirs of June 20, 1929 for Switzerland and August 1, 1930 for the Netherlands). Moreover, in view of the fact that the Washington Government has not given official recognition to the Spanish Protectorate in Morocco,²¹ Your Excellency will understand that there exists an evident difficulty as to arriving at a bilateral agreement with regard to this matter, a circumstance which makes all the more difficult the extension to American citizens of the benefits of the suppression of a passport visa in order to enter the Spanish Zone.

I avail myself [etc.]

AUGUSTO BARCIA

²¹ See pp. 422 ff.

[Enclosure 2]

The American Ambassador (Bowers) to the Spanish Minister for Foreign Affairs (Barcia)

No. 689

MADRID, April 17, 1936.

EXCELLENCY: I have the honor to acknowledge the receipt of Your Excellency's Note No. 57 of April 3rd with reference to the requirement that a citizen of the United States traveling through or resorting to the Spanish Zone of influence in Morocco obtain a visa and pay a fee therefor. The above mentioned Note refers to my Note No. 346 of December 17, 1934 and states in part that in the judgment of the High Commission there cannot be deduced either from the letter or the spirit of the Convention of 1880 the interpretation which the Department of State gives to Article 17 of the Madrid Convention of 1880. Your Excellency's Note, however, does not refer to my Note No. 535 of September 10, 1935,²³ which advances further arguments on behalf of the American point of view on this subject. I should appreciate it, therefore, if Your Excellency would be so good as to reconsider this matter in the light of the observations made in my September 10th Note, to the end that American citizens resorting to or traveling through the Spanish Zone of influence in Morocco should not be subject to the requirement that they obtain visas for residence or transit and pay fees therefor.²⁴

I avail myself [etc.]

CLAUDE G. BOWERS

NEGOTIATIONS CONCERNING CLAIMS AND PROPOSED RECOGNITION BY THE UNITED STATES OF THE SPANISH ZONE IN MOROCCO²⁵

452.11/328

The Ambassador in Spain (Bowers) to the Secretary of State^{25a}

No. 1012

MADRID, January 13, 1936.

[Received January 25.]

SIR: With reference to my despatch No. 939 of November 2,²⁶ I have the honor to enclose a copy and a translation of a memorandum from the Foreign Office, dated December 30 last, regarding the payment of certain American claims in the Spanish Zone of Morocco, and the recognition of that Zone by the United States Government.

²³ Not printed; see instruction No. 274, August 23, 1935, to the Ambassador in Spain, *Foreign Relations*, 1935, vol. I, p. 1023.

²⁴ Apparently no reply was received to this note.

²⁵ Continued from *Foreign Relations*, 1935, vol. I, pp. 998-1018.

^{25a} Copy sent by the Ambassador to the Diplomatic Agent and Consul General at Tangier.

²⁶ *Foreign Relations*, 1935, vol. I, p. 1017.

I regret to say that in this memorandum the Spanish Government makes it evident that the opinions expressed in the last paragraph of a note from the Ministry for Foreign Affairs to this Embassy of January 22, 1930—a translation of which was enclosed in despatch No. 49 of February 27, 1930²⁷—still holds good. In other words, the Spanish Government makes the payment of the claims contingent upon not only recognition of the Spanish Zone but upon an agreement to abolish our capitulatory rights in the Zone.

The Spanish point of view was pointed out in my despatch No. 638 of January 10, 1935,²⁸ but since that time the Embassy has made a vigorous and sustained effort to secure the payment of our claims in return for recognition of the Zone alone. The matter has been discussed at the Foreign Office many times and the Embassy has been led to believe that the Foreign Office favored a settlement and would do all that it could to forward it. I am inclined now to believe, however, that there is a difference of opinion in the Foreign Office itself and that the Moroccan Bureau and officials of the High Commission in Morocco remain intransigent.

Upon the receipt of the memorandum I pointed out orally at the Foreign Office that the injection of the question of the capitulations into the present discussions was more likely to retard than advance the Spanish desire for the abolition of capitulatory rights. I said that the payment for the claims in question had been agreed upon, if only informally, by Spanish and American representatives, and that there was no fairness or logic in making their payment contingent upon the settlement of a totally different question.

I am inclined to believe that further negotiation at the present time for the payment of our claims would be useless, but in the event that the Department desires a reply to the memorandum to be made I request instructions as to what should be said.

It is now obvious that the withholding of recognition of the Spanish Zone is a useless weapon to bring about payment of our claims. I believe, therefore, that the Department should consider, from a purely selfish point of view, whether recognition of the Zone should not be accorded some time in the near future. Such recognition would enable our Diplomatic Agent at Tangier to deal directly with the Spanish High Commissioner to the Zone regarding the many questions there at issue, a thing which he is now unable to do. At present Mr. Blake is sometimes obliged to request the Department to instruct this Embassy to take up some matter with the Spanish Foreign Office. The Foreign Office then takes it up with the Moroccan Bureau, the Bureau with the High Commissioner, and much time has elapsed

²⁷ *Foreign Relations*, 1930, vol. III, p. 607.

²⁸ *Ibid.*, 1935, vol. I, p. 999.

before Tangier receives any answer, which is returned by the same tortuous route. It therefore seems obvious that efficient prompt handling of Moroccan questions would be forwarded by recognition which would permit our Diplomatic Agent to go directly to the High Commissioner. Mr. Blake's opinion should obviously be obtained on this point.

Some time in the future the Department may also wish to consider the question of the abolition of our capitulatory rights in Morocco. Mr. Culbertson,²⁹ during his recent visit to Madrid, was informed of the Embassy's point of view in this regard. There is some justice in the observations made in the enclosed memorandum regarding the changed conditions in Morocco and the consequent lack of reason to maintain capitulatory rights. On the other hand, Mr. Blake has advanced various reasons for the maintenance of such rights and possibly to these may be added the present intransigence of the Spanish Government in settlement of our claims. Nevertheless, it may be possible at some future time to negotiate an agreement which may adequately protect our commercial position in Morocco and secure the payment of our claims through the surrender of the capitulations. Such rights have been surrendered by all countries with the exception of England and the United States, and while there are many Englishmen doing business in Morocco, I understand from Mr. Blake there are but two or three Americans there. Since our commercial position in the Zone depends rather on the Act of Algeciras³⁰ and the Moroccan treaties than on the capitulations, and as the principal effect of the latter is the giving of a special position to a few American protégés, it would seem that if and when our interests are protected by an agreement, which perhaps could be easily negotiated, we might well surrender our capitulatory rights. This is obviously a question, however, upon which a better opinion can be given by our Diplomatic Agency in Tangier than by this Embassy.

Respectfully yours,

CLAUDE G. BOWERS

[Enclosure—Translation]

The Spanish Ministry for Foreign Affairs to the American Embassy

MEMORANDUM

The point of view of the Spanish Government with regard to the American claims in the Spanish Zone of Morocco remains as set

²⁹ Paul Trauger Culbertson, Assistant Chief, Division of Western European Affairs.

³⁰ General Act of the International Conference of Algeciras, signed April 7, 1906, *Foreign Relations*, 1906, pt. 2, p. 1495.

forth in the note sent by the Ministry for Foreign Affairs to the American Embassy in Madrid on January 22, 1930.²¹

In accordance with this note the Spanish Government accepted a certain number of claims, not because the Spanish authorities considered them as indisputable but inspired by friendly and cordial spirit toward the Washington Government and in the belief that this settlement would have influence to the end that the United States in a just interchange should not only officially recognize the Spanish protectorate over the Zone, but should proceed also to the renunciation of the regime of capitulations. As a consequence of this criterion in the last paragraph of the note referred to above the Spanish Government desires to know the date on which the agreement for renunciation of capitulations may be signed in order to remit in Tangier or in Washington, at the choice of the Government of the United States, the amount of the agreed upon claims.

The Spanish authorities of the Moroccan Zone believe that in recognizing the above mentioned American claims they have acted with an ample criterion of benevolence, since if these claims had been examined from the standpoint of strict justice some of them would still be found to be debatable. Not to insist more regarding the greater or less foundation of these claims, either with respect to their value or as to the sums asked for is a proof of benevolence and a further reason that their payment should be simultaneous with the recognition on the part of the American Government of the Spanish protectorate and with the renunciation of the regime of capitulations.

It does not appear necessary to give extensive reasons as to the justice of this desire of the Spanish Government, not only because every regime of capitulations implies a lack of confidence regarding the judicial and administrative authorities of the country which submits to them, but because it is logical that if the United States recognizes officially the Spanish Protectorate it should accept simultaneously the jurisdiction of the Spanish authorities, that is to say of the same authorities which are accepted by all of the American residents in Spain. To accept the jurisdiction of Spanish tribunals and authorities in national Spanish territory and on the contrary not to accept it in the Moroccan Zone would constitute a contradiction or incongruity very difficult to justify. Spain, which has made in the Moroccan Zone innumerable sacrifices of every kind, hopes from the excellent friendship and most cordial relations which unite it with the United States that the Washington Government will not

²¹ *Foreign Relations*, 1930, vol. III, p. 608.

maintain in the future any difficulty for the normal functioning of the judicial and administrative authorities of the Spanish Zone, which would happen if the regime of capitulations, the cause of very many inconveniences, should be maintained with reference to American citizens.

The payment of indemnities to other countries, such as Holland, took place at the moment when they proceeded to the renunciation of capitulations, that is to say both questions were settled at the same time. In these circumstances it would be difficult to concede to the United States a treatment more favorable in this regard than was conceded to other nations.

The renunciation of capitulatory rights in our Protectorate should not be subordinated to the settlement of pending claims in the French Zone nor should further delay be justified by the argument that such a renunciation should take place simultaneously in the two Moroccan Zones. Holland renounced capitulations in the French Protectorate in 1916 and did so later in the Spanish Zone. Switzerland and other countries also renounced the privileges derived from the regime of capitulations in one Zone before doing so in the other.

The preceding considerations, so well expressed in a summarized form, fully justify the aspiration of the Spanish Government to arrive in the shortest possible time at a satisfactory agreement by virtue of which the American claims may be definitely liquidated at the same time that recognition of the Protectorate should take place and renunciation be made on the part of the United States Government of a regime which years ago may have been justified in Morocco but which today has no reason whatever in favor of its maintenance. The Spanish Government trusts that in a new consideration and study of this matter on the part of the Washington Government the latter may be inclined to share the point of view which has been expressed.

MADRID, December 30, 1935.

452.11/329 : Telegram

The Secretary of State to the Diplomatic Agent and Consul General at Tangier (Blake)

WASHINGTON, January 30, 1936—5 p.m.

1. If you have not already sent in a report, may we have your comments and suggestions by mail with regard to the Madrid Embassy's despatch 1012, January 13?

HULL

452.11/330

The Diplomatic Agent and Consul General at Tangier (Blake) to the Secretary of State

No. 1132

TANGIER, February 6, 1936.

[Received February 25.]

SIR: I have the honor, in response to the Department's cable Instruction No. 1 of January 30, 1936, 5 p.m., respectfully to submit my observations upon the Spanish Memorandum enclosed in Ambassador Bowers' despatch No. 1012 of January 13, 1936, and upon the action suggested in that despatch.

The various points of the Spanish Memorandum are hereunder serially summarized and followed by their relative rejoinders:

1. That the settlement of the American claims must be conditioned not only by recognition of the Spanish Zone, but by abrogation of American capitulatory rights in that Zone.

This is a departure from the agreed basis of the negotiations, and is aptly characterized in the fourth paragraph of the Ambassador's despatch. The question of the capitulations, it will be recalled, was clearly excluded, in the initial exchange of Notes between the Department and the Spanish Ambassador in Washington, from the discussions relative to the settlement of claims and the recognition of the Spanish Zone. (See Note of July 26, 1927, from Spanish Ambassador in Washington, to Secretary of State).²²

2. The settlement of the claims reposes not upon their justice, but merely upon the benevolence of the Spanish Foreign Office.

These claims have all arisen from violation of elementary principles of justice, or from violation of American treaty rights. In their settlement, it is not benevolent treatment, but some approach to justice, which is claimed. The conciliatory concessions made in regard to them, by the American negotiator, rather weighs the balance of benevolence on the American side.

If any such assumption as this is to prevail, it might be appropriately suggested to the Spanish Government that the Department would be quite agreeable to have the matter of the claims submitted to arbitration, as was done in the case of British claims; the Department cannot but reject the imputation that it is pressing for the settlement of unjustified claims, and further it has no intention of appealing to any charitable considerations in the matter.

3. For the American Government to accept jurisdiction of Spanish tribunals and authorities in Spanish national territory and not to accept it in the Spanish Zone of Morocco, is an unjustifiable incongruity.

²² *Foreign Relations, 1927, vol. III, p. 272.*

The charge is absolutely irrelevant, since the political conditions in the territories referred to are fundamentally different. In Spain, the judicial and administrative authorities are those of a sovereign state.

The Spanish intervention in Morocco is of the nature of an administrative trust; it does not give Spain sovereign rights in that country. The authority of the Spanish Protectorate Government there, is governed vis-à-vis the treaty powers by the same limitations as those which are imposed upon the Shereefian Government by the Morocco treaties. The removal of any such limitations can obviously be effected only with the consent of the treaty power concerned, and there is nothing incongruous in the maintenance by such power of any particular existing treaty right (e. g., extraterritorial jurisdiction) until it deems conditions to be satisfactory for the respect and continued safeguard of its remaining treaty rights (economic, commercial and civil), under the modified administrative regime (Spanish Protectorate) which it is expected to recognize.

It is obvious that no negotiations could properly be entered into with Spain, for the surrender of any American rights under the Moroccan treaties, until her position, as a Protectorate power in Morocco, had first received the formal recognition of the American Government.

4. That the retention of the capitulations implies a lack of confidence in the judicial and administrative authorities of the Spanish Zone.

So far as we are concerned, such lack of confidence is amply justified, but that consideration is beside the point. The reply to the Spanish Government is that without questioning the guarantees of justice which may be afforded by the judicial organization of the Spanish Zone, the relinquishment of the capitulations raises a question of the modification of our treaties in Morocco, and involves a restatement, in substitute treaties, of our now existing treaty rights in that country—substitute treaties which would require the approval of the Senate. It might appropriately be added that it would be difficult to present a proposition to that body, for an abrogation of the clauses of the Moroccan treaties relative to our extraterritorial rights in the Spanish Zone, in the face of evidence of such serious violations by the Spanish authorities there of other provisions of the same treaties, which define our economic and commercial rights in the Shereefian Empire.

5. Since the settlement of Dutch claims in the Spanish Zone was made, when Holland simultaneously recognized the Spanish Protectorate and abandoned the capitulations, it would be difficult for the Spanish Government "to concede to the United States a treatment more favorable in this regard than was conceded to other nations."

Settlement of British claims, in the Spanish Zone of Morocco, has been made by the Spanish authorities without surrender of the British capitulations, or even British recognition of the Spanish Zone. If the treatment of other nations, by the Spanish Government, is to be the criterion of that to be accorded to the United States, then we would be entitled to refer to the British rather than to the Dutch precedent.

6. The Spanish Foreign Office asserts that the suppression of American capitulations in the Spanish Zone, should not be subordinated to the settlement of pending claims in the French Zone.

In conversation with the Spaniards, mention of the French Zone has been made only to illustrate the procedure followed between the French and American Governments, namely, that a settlement of outstanding American claims in the French Zone had preceded American recognition of the French Protectorate, without renunciation of American capitulations in that Zone of Morocco. No reference has ever been made, in these conversations, to claims actually pending in the French Zone. This allusion of the Spanish Foreign Office to pending claims in the French Zone, is again entirely irrelevant to the issue between the American and Spanish Governments, and results from a confused knowledge of our relations with the French Protectorate authorities.

7. Delay in surrender of the capitulations in the Spanish Zone, must not be justified by the argument that such surrender should take place simultaneously in the two Moroccan Zones. (French and Spanish).

A stipulation that there should be concurrent action in the premises in both the French and Spanish Zones, would certainly not be an unreasonable condition for the Department to impose.

Since the Moroccan treaties to which the United States is a party apply to Morocco as a political and economic unit, the Department has hitherto held that it would become practical to consider the abrogation of the capitulations only when conditions in Morocco as a whole made it possible to proceed with a submission, for the approval of the Senate, of substitute treaties with Morocco, relative to the entire territory of the Empire (French, Spanish and Tangier Zones). To say the least there is involved a matter of convenience to the American Government, such as is deserving of consideration on the part of the soliciting Governments. (See Department's Instruction No. 5 of January 18, 1930, File No. 881,00/1042, to Ambassador Laughlin).⁸³

In any event, even should the Department now be inclined to modify its views in the above connection, no negotiations dealing with modification of any particular American right under the existing Moroccan

⁸³ Filed under 452.11/238; for text, see *Foreign Relations*, 1930, vol. III, p. 605.

treaties could be properly entered into with the Spaniards, until after formal recognition by the American Government of the association of Spain with the Shereefian Government in the administration of Morocco.

The foregoing analysis of the contents of the Spanish Note, it is hoped, may be found to contain some suggestive indications, in the event that the Department may desire to instruct the Embassy in Madrid to make a reply to the Memorandum.

The Ambassador's despatch appears to suggest that, since our withholding of recognition is proving a useless weapon to bring about the payment of our claims, the Department should consider the feasibility of a voluntary recognition of the Spanish Protectorate, on our part, and reserve, for a later date, the relinquishment of our capitulatory rights, as a *quid pro quo* for the eventual settlement of American claims in the Spanish Zone.

The Ambassador's suggestion is made, perhaps, under the impression—or with the hope—that American recognition of the Spanish Protectorate—by permitting direct official contact between the Diplomatic Agent at Tangier and the Spanish High Commissioner at Tetuan—would obviate the present circuitous route via Washington and Madrid for representations to the Spanish Government in respect of Moroccan questions, which, as a consequence of recognition, could then be normally treated directly between Tangier and Tetuan.

Unfortunately, I can but express my conviction that these happy results cannot be anticipated.

A *modus vivendi* between the American Legation at Tangier and the authorities at Tetuan has been re-established, providing informal contacts through the medium of the Spanish Consulate General at Tangier, which mutually permit the adjustment of local complaints made by either authority. In this way matters involving individual incidents of minor importance are frequently settled. It is certain, however, from my observation, and from the experience of my colleagues whose governments have already recognized the Spanish Protectorate, that no improvement in the adjustment of controversies, would follow American recognition of the Spanish Zone, of greater moment than [*than?*] the limited measure of satisfaction at present afforded by the existing *modus vivendi*.

It is the experience of all my colleagues that any major individual question, or any representations regarding legislative or administrative measures taken by the Spanish Protectorate authorities, in violation of the economic or commercial clauses of the Moroccan treaties, are given, at best, but a perfunctory hearing at the High Commissariat at Tetuan, and that on all questions of any importance, additional

representations are made to the Spanish Government in Madrid, by the Embassies or Legations concerned, often, it is true, with equally negative results.

I do say, however, notwithstanding these circumstances, that direct official contact between the American representative in Morocco and the Spanish High Commissioner at Tetuan, if secured in proper conditions, is desirable and might be advantageous, but the advantage would be so small as to be unworthy of consideration, especially if obtained only at the cost of a gratuitous concession on our part, and the sacrifice of a strong, logical tactical position such as we now occupy.

I can therefore but suggest that the Department stand firmly by the procedure, to which the Spanish Government appears to be explicitly committed by the Spanish Ambassador's Note to the Secretary of State, of July 26, 1927, namely, a settlement of outstanding American claims in the Spanish Zone, to precede formal recognition of the Spanish Protectorate in Morocco by the American Government, and I venture to indicate, hereunder, some considerations in support of this recommendation :

1. The actual payment of American claims—however equitable and long overdue—should not be viewed out of its proper perspective. Recognition of the Spanish position in Morocco, on the part of the American Government, must carry with it, on the part of the Spanish Government, a recognition of American treaty rights in Morocco, in existence prior to the intervention of Spain in the Shereefian Empire, and there must be a formal undertaking by Spain, as a protectorate power in Morocco, to respect the continued maintenance of these American treaty rights. It is precisely because the claims are the result of violations of American treaty rights, that their settlement, as a preliminary to recognition, is of such vital importance to the principles at issue.

2. In the view of the Spaniards, a relinquishment of this condition on our part might be construed as the successful result of their shifty tactics, and I feel it would be unwise and undesirable, in any circumstances, voluntarily to capitulate from sheer weariness under the tortuous policy which has been pursued by the Spanish Government throughout the negotiations. Such action could but render more difficult ulterior negotiations, and make more remote our ultimate object, namely, an agreement which will prove helpful to Spain in her administrative mission, and also provide adequate safeguards for American rights and interests in Morocco.

3. We could not with propriety deal with Spain in the matter of the recognition of the Spanish Protectorate in Morocco, on terms more favorable than those which we adopted in regard to France, when recognizing the French Protectorate.

The French agreed to settle all outstanding American claims in the French Zone, as a preliminary to recognition, and there is no reason whatever why this logical process should be departed from in the Spanish case.

As an alternative compromise, it appears to me that it would be impossible for us to go, with safety, any further than a reiteration of the five-point formula suggested by me in my conferences with Ambassador Bowers in Madrid, in January of last year, and fully explained in my despatch No. 1019 of February 6, 1935.³⁴

These points, it will be recalled, were as follows:

1. Settlement to be made of all claims agreed to be paid by the Spanish Note of January 22, 1930.³⁵

2. Kittany case to be settled by separate agreement between the American Diplomatic Agent at Tangier and the Spanish High Commissioner at Tetuan.

3. Political recognition of the Spanish Zone.

4. At the solicitation of the Spanish Protectorate Government to the American Diplomatic Agent at Tangier, the Department to consider the measure in which it is able to validate the enforcement on American *ressortissants* of legislation and regulations which have been edicted in the Spanish Zone. (Similar to procedure followed with the French Protectorate Government).

5. Assurance that subsequent to recognition, any other questions, including that of the capitulations, brought up by the Spanish Government for examination, will be frankly discussed, looking to their satisfactory adjustment.³⁶

Respectfully yours,

MAXWELL BLAKE

³⁴ *Foreign Relations*, 1935, vol. I, p. 1008.

³⁵ *Ibid.*, 1930, vol. III, p. 608.

³⁶ Outbreak of civil war in Spain in July 1936 prevented a resumption of negotiations on the subject of these claims and recognition of the Spanish Zone in Morocco.

PALESTINE

INSTRUCTIONS REGARDING THE EXERCISE BY AMERICAN CONSULAR OFFICERS IN PALESTINE OF JUDICIAL AND ADMINISTRATIVE FUNCTIONS

867N.043/11

The Secretary of State to the Consul General at Jerusalem (Morris)

WASHINGTON, May 11, 1936.

SIR: Reference is made to your letter of March 14, 1936,¹ addressed to Mr. Wallace Murray, the Chief of the Division of Near Eastern Affairs, regarding the question of the exercise by American consular officers in Palestine of judicial functions.

It appears that the judicial functions authorized by the regulations made under Article 67 of the Palestine Order in Council, 1922,² concerning the powers of consuls in relation to personal status of nationals of their State, are limited to non-contentious cases of personal status and that such limited power is rendered potentially nugatory by the extensive authority reserved to the Palestine Courts to intervene in Consular Court cases. Accordingly the Department is of the opinion that American consular officers in Palestine should refrain from exercising any of the judicial functions authorized by the above-mentioned regulations.

Furthermore, it is the opinion of the Department that American consular officers in Palestine should limit their administrative functions in connection with the estates of Americans dying in Palestine to those authorized in paragraph 3 of the Palestine regulations in question, which reads as follows:

“If a national of a foreign State dies in Palestine or elsewhere leaving property in Palestine or if there is no known heir, executor, or other person present in Palestine entitled and willing to administer the estate, or if the heirs or legatees or some of them are minors or subject to incapacity and are not duly represented, the Consul may either personally or by his nominee, take possession of the papers and movable effects of the deceased or cause his seals to be placed thereon; make an inventory of the estate, recover the debts, sell the movable property, pay the funeral expenses, arrears of wages and other urgent debts, grant provisional allowances for the support of the deceased’s

¹ Not printed.

² For text of regulations, see *Legislation of Palestine, 1918-1925*, vol. II, p. 66.

dependents; and in general take measures of a provisional, conservatory or urgent character in regard to the estate.

"If the national of one of the aforesaid States having property in Palestine is absent and has no representative in Palestine, the Consul may take similar measures to those specified above in regard to his property."

Such administrative functions should be exercised only in non-contentious cases, all other cases being referred to the local authorities for appropriate action.

Very truly yours,

For the Secretary of State:
WILBUR J. CARR

**ATTITUDE OF THE DEPARTMENT OF STATE CONCERNING PROBLEMS
ARISING FROM CONFLICTING INTERESTS OF ARABS AND JEWS
IN PALESTINE**

867N.00/283

The Consul General at Jerusalem (Morris) to the Secretary of State

No. 62

JERUSALEM, April 25, 1936.

[Received May 9.]

SIR: I have the honor to refer to the Consulate General's telegrams of April 18, 4 p.m., April 19, 6 p.m., April 20, 6 p.m., and April 21, 5 [6] p.m.,³ relative to the disturbances which have taken place in and around Jaffa, and to submit the following report in connection therewith.

To understand the atmosphere which prevailed in Palestine immediately prior to April 17 when it appeared that a disturbance of the local peace was imminent, the Consulate General believes it wise to refer to its despatch No. 691 of November 25, 1935,⁴ which was submitted subsequent to the events which succeeded the discovery of an important arms importation at the port of Jaffa and which described a situation closely related to that existing at the present moment. At that time, it will be remembered, tension was high and the fear existed that an open break between Arabs and Jews would occur at any time. The situation was further involved by the activities of Sheikh Izz-Ed-Din Kasseem who organized bands of political highwaymen and, in effect, challenged the police to maintain security on the roads of north Palestine. His actions were said to constitute his contribution to the organized Arab protests that the local Government was unable to discover the importers or even to put a stop to the traffic in arms. Sheikh Izz-Ed-Din's activities resulted in the

³ None printed.

⁴ Not printed.

death of one British constable, the wounding of another, and in the death of four members of his organization (if such it may be called) and the capture of five others. Political brigandage thereafter disappeared in Palestine until during the week of April 5, when it reappeared and helped to precipitate the present disorders.

It will likewise be remembered that the tension which existed during October and November was dissipated only after the High Commissioner⁵ advanced his proposals for a Legislative Council. These proposals successfully broke down the united front which had been established by the five Arab parties in circumstances which they described as a "national emergency", by causing a renaissance of the political and personal jealousies which had hitherto characterized Arab politics in Palestine. As negotiations between the Arab leaders on the one hand, and between the leaders and the personnel of their respective parties on the other, continued, the breaking down of the united front became more apparent and all thought of united Arab action in regard to the Legislative Council was abandoned. Whether or not present events will restore the united front still remains to be seen, for the struggle between Husseini⁶ and Nashashibi⁷ is more severe at the present moment than ever before.

The Jewish attitude on the other hand became more unified. Organized opposition to the Legislative Council was crystallized not only in Palestine but throughout the world and particularly in Great Britain, where continual and urgent representations against the Council were carried on. An important by-product of the solidarity which the Jews exhibited, which was first mentioned in the Consulate General's despatch No. 691, became more and more noticeable during the period between November and April: an attitude which began as one of smugness and cocksureness and which gradually evolved, as mentioned in the Consulate General's despatch of April 18,⁸ into one of open derogation of the local authorities and even of the High Commissioner. Several noteworthy incidents illustrating the new attitude occurred during that time: Jewish individuals, apparently spontaneously and not in accordance with any preconceived plan or design, began indulging in acts of an anti-Arab nature which, although of no particular importance in themselves, were significant when taken together. Stones were thrown at passing Arabs, shop windows were broken, tills robbed and finally, early in March on the occasion

⁵ Lt. Gen. Sir Arthur Wauchope.

⁶ Jamal Efendi al-Husseini, leader of the Palestine Arab Party and a close associate of the Grand Mufti of Jerusalem, Haj Amin Efendi al-Husseini, who was also President of the Supreme Muslim Council.

⁷ Raghīb Bey au-Nashashibi, ex-Mayor of Jerusalem and leader of the National Defense Party.

⁸ Not found in Department files.

of the opening of the Dizengoff Museum in Tel Aviv, a large crowd of Jews openly hissed the High Commissioner when he arrived at the building in which the museum is housed. Never before had such an occurrence taken place. During the same time, also, the feeling was prevalent that relations between the High Commissioner and Jewish leaders were becoming strained because of his ardent desire to establish a legislative council, and the equally ardent desire on the part of the Jews to prevent its institution. The Jewish attitude thus became definitely anti-Mandatory.

The above background will perhaps make more understandable the series of events which occurred during the middle of this month. As reported by telegram on April 18, the first factor contributing to the occurrence of the disturbances was the recrudescence of political highway robbery by bands of Arabs. Although Sheikh Izz-ed-Din had been captured and executed by the police, his spirit was reinvoked to inspire the Arabs to begin again their annoying practices on the highways. There was, however, a difference in the *modus operandi* of these bands as compared with those which operated under Sheikh Izz-ed-Din. The latter worked merely to annoy the Government, whereas the former operate on what can only be described as anti-Jewish lines. On one occasion busses were stopped on the Tulkarm-Nablus Road and all the passengers were forced to alight. The only three Jews in the busses were then segregated from their fellow passengers and placed in the cab of a truck at the head of the stopped column of cars. The door of the cab was closed and the Jews were fired upon at point-blank range. Of the three, one was killed outright, one died later of wounds, and the third was severely wounded. This incident was followed the next night by a revenge killing of two Arabs by Jews in a small hut on the Petah Tikva-Ranaana Road. It is reported by the police in this respect that at 10 p.m. on April 16 a car stopped before the hut and one of its occupants knocked on the door. In response to the knock the door was opened and two persons believed by the police to be Jews entered and, finding two Arabs within, shot them both dead on sight. One was shot six times with a Browning automatic and the other five with a Parabellum. The car with its occupants then disappeared.

When these facts became known the following morning tension between Arabs and Jews reached a crucial point. The situation was rendered acute later in the morning when the Jew who had been murdered by the "terrorists" two days before was buried as a martyr in the cemetery on the outskirts of Tel Aviv. The cortege following the body worked itself into a frenzy of righteous indignation and became disorderly. The efforts of the Jewish police of Tel Aviv to restore order and control the course of the procession were unavailing.

A clash ensued and the Jewish police were routed. Reserves of British police were immediately called and likewise were attacked. By this time the excitement had spread to the occupants of nearby houses who joined the fray by throwing flower pots, cement building blocks and even iron bedsteads upon the heads of the police below. At one moment it seemed as though the British police would likewise be routed and troops were ordered to stand by from the encampment at Sarafand. Fortunately, however, order was at length restored, but not until after the police had been forced to fire into the crowd and many casualties had occurred both among the police and the rioters. The authorities were particularly apprehensive during the course of these disturbances because at Ramleh, no more than ten miles away, crowds of excited Arabs were celebrating the local feast of Nebi Saleh, and had word of the riots in Tel Aviv reached them a most serious situation would almost certainly have developed.

The following day, Saturday, passed without incident, but in an atmosphere of extreme tension. The police and the military authorities prepared for serious trouble.

On Sunday their fears were justified. A large crowd of Arabs gathered in the morning before the offices of the District Commissioner in Jaffa to protest against the murder of the two Arabs killed on the 16th, and as they were milling about in the square and working themselves into a condition of frenzy two Jews appeared and were immediately set upon. The crowd of Arabs then went berserk and pursued every Jew they saw. Fortunately, not many were at hand. The crowd then turned its attention to the main Jaffa-Jerusalem highway, stopping all cars and inspecting them for Jewish passengers. Many cars were wrecked and many casualties took place, among them an official of the Public Works Department, the son of the honorary Swedish Consul, the son of a well-known British contractor and a member of the Royal Air Force. When order was finally restored at 3:30 in the afternoon total casualties amounted to

7 Jews killed; 2 Arabs killed;
15 Arabs wounded; 39 Jews wounded.

Monday morning dawned on a Palestine prepared for disturbances of the most serious sort. All shops were closed and traffic was at a minimum on the roads. At about 9 a. m. the police received word of fresh outbreaks in Jaffa and, as a result traffic ceased on the Jerusalem-Jaffa road and was convoyed on the Jerusalem-Nazareth road. The disturbances remained localized in the no-man's-land between Jaffa and Tel Aviv, where a platoon of the Cameron Highlanders had been stationed the day before, but a few minor incidents of stoning automobiles occurred in the Northern District near Jenin. To combat

this development the Air Officer Commanding despatched detachments of armored cars to Nablus, Tulkarm and Jenin and likewise ordered detachments of troops to support the police at Tulkarm in case of a clash between the Arabs of that district and the Jews of the neighboring colonies. Casualties in Jaffa on April 20 were as follows: 5 Jews killed and 26 wounded; 2 Arabs killed and 32 wounded; on that day also 2 Jews died of injuries received on the previous day.

Outside of the fracas in Jaffa the only important items to note on April 20 are two incidents which occurred on the Jerusalem-Nazareth road: a convoy of cars carrying visiting French officers back to Syria was stoned near Jenin and windshields and windows were broken; the French Consul General abandoned his car near Nablus because of a demonstration then in progress and returned to Jerusalem by train. Also on that day Consuls Lynch and Scott journeyed to Tel Aviv and back to Jerusalem after learning that no American individuals or property had been involved in the disturbances, and Consul Brent returned from Haifa—all without incident.

On April 21 the situation was reported as being "easier". Nineteen persons were wounded, 14 Arabs and 5 Jews, in "isolated assaults"; a Jewish lumber yard and other buildings were fired in Jaffa; traffic was resumed under convoy on the Jerusalem-Jaffa road; a crowd of Arabs bent on invading an outlying quarter of Tel Aviv were repulsed by the police; a general strike, which in effect has been only partial, was begun by Arab shopkeepers and still continues on April 25. This strike, which is supposed to have been inspired by that of the Damascene merchants some weeks ago and which is scheduled to last "until Arab demands are met", is a most half-hearted affair unsupported by the Nashashibi element. (As far as can be determined the Arab "demands" are the traditional ones: cessation of Jewish immigration and termination of land sales to Jews.)

The most significant events of April 21 were the orations delivered by the Messrs. Rokach and Dizengoff, Vice-Mayor and Mayor of Tel Aviv respectively, before a crowd estimated at 10,000 persons who had gathered when Tel Aviv buried its dead of the day before. In the course of his oration Mr. Rokach said: "These victims have not shed their blood for nothing. This incident will open the eyes of the Jews to the necessity of joining together with renewed energy and strength . . ." ^{8a} Mr. Dizengoff's remarks were perhaps more pointed: "Some have fallen and the living must take their places . . . Many before you have made the same sacrifice. All of us are ready to make it . . . You have fallen not as wrongdoers but as a

^{8a} Omissions indicated in the original despatch.

sacrifice to our weakness and powerlessness . . . We failed to secure enough power to keep at bay the danger which pursues us outside Palestine. Thousands have died before and thousands will yet die . . . No savage force, no murders, no attacks will move us from our position which we have gained here . . . You were the victims of our optimism . . . This silence bears witness to the strength of our people, to the power of our answer, to your determination . . .”

April 22 and 23 passed under circumstances officially described as “quiet but tense”. No incident of importance occurred. A few burnings were reported, traffic moved under convoy and rumors were rife. It is hard to describe the variety, extent and seriousness of these rumors. They included everything: Arabs were attacking Jewish colonies, serious riots had occurred in Hebron, the Jewish village of Talpioth had been destroyed by the Arabs of Bethlehem, Haifa was a bloody battlefield, the Mufti had been arrested and deported, troops had arrived from Egypt. All of these tales were eventually, and with maddening loss of time, proved false.

Two events which occurred during these two days are, however, worthy of mention. Both are important when considering the altered Jewish attitude. During the night of April 22 a police patrol was fired upon by Jews in the Tel Aviv district; the police returned the fire and a Jew was wounded. This fact was first circulated as rumor but was later confirmed and embodied in an official communiqué to which the Jewish Agency took formal exception on the ground that the report was unfounded and the Government was therefore culpable of disseminating untruths calculated to redound to the discredit of the Jews.

The second event occurred on April 23. It was a speech made by Dr. Weizmann when opening the World Congress of Jewish Physicians, at Tel Aviv. The essence of Dr. Weizmann’s remarks is contained in the following words: “This Congress is a symbol of our answer to the attacks of the last few days . . . On one side the forces of destruction, the forces of the desert have arisen, and on the other stand firm the forces of civilization—but we will not be stopped.” These words are worth considering. They contain Weizmann’s opinion of the Arabs and his challenge to the Mandatory; both apparently honestly expressed.

April 24 was awaited with more apprehension than any preceding day. As there had been three days of relative calm and as it was also Friday, the Moslem day of rest and, from sunset, also the Jewish Sabbath, it was presumed that if anything was to happen it would happen on that day, and probably in Jerusalem where are situated the Dome of the Rock and the Wailing Wall. But nothing happened.

The day finally dragged tensely to a close, but with the immediate outlook unchanged. Several theories are advanced to explain the absence of disturbances on April 24. The most likely in the Consulate General's view is that the Arab leaders had never been behind the Jaffa outbreaks, which were participated in principally by irresponsible Haurani workers⁹ in the port, and had not been more than half-hearted in their advocacy of the general strike. Nashashibi, in fact, had urged on several occasions and particularly on April 23 that the leaders make a statement disavowing the present unrest, that they call off the strike and depart for London where they have been invited to express their views on the Legislative Council. Whether or not this advice will prevail will not be known until too late for inclusion in this despatch, as the meeting of leaders to determine present Arab policy is now in session and will not have ended before the mail closes. But it is believed that the fellaheen and townsmen, although perhaps in the mood for demonstrations on April 24, were not sufficiently affected by recent events to brave of their own accord the rifles and batons of the military and the police who were in riot mood.

In brief summary: the disturbances appear to have been begun by Jews entering a square in Jaffa which was packed by irresponsible Arabs gathered to demand the punishment of the alleged Jews who had murdered two Arabs two days previously; the district of unrest was localized in Jaffa-Tel Aviv for two days, when it spread without serious effect to the Arab nationalist centers in the north; the luke-warm attitude of the Arab leaders in general and of Nashashibi in particular appears to have prevented the spread of the disturbances and to have maintained quiet in Jerusalem (for riots would probably have occurred regardless of the careful preparations and presence in large numbers of both the police and the military had incitement been sufficient); the Arabs may use the present situation as a fulcrum for their demands (as was done with success in Egypt and Syria); and, finally, the situation has adduced considerable evidence to demonstrate that a significant alteration of attitude has occurred among the Jews, both individuals and officials—an attitude which implies the pushing ahead of Zionist designs in the face of all resistance, whether offered by Arab or Mandatory. In this respect the most significant fact, and one that has thus far not been mentioned in this despatch, is that the Jewish defense organization Haganah, once guarded in the utmost secrecy, is now openly boasted of as a sort of Zionist army, trained, disciplined and armed.

Respectfully yours,

LELAND B. MORRIS

⁹ A poor type of labor employed in the ports for handling of cargo ashore.

867N.00/287

The Consul General at Jerusalem (Morris) to the Secretary of State

No. 69

[Extract]

JERUSALEM, May 6, 1936.

[Received May 21.]

SIR: I have the honor to refer to the Consulate General's despatch No. 62 of April 25, 1936, concerning the present disturbances, and to supplement that despatch with the following comments on the situation as it has developed from April 25 until the present date.

When despatch No. 62 was submitted the situation was briefly as follows: the Arabs were conducting a general strike which did not have the whole-hearted support of all the Arab leaders, the internal situation of the country, although relatively quiet, was rendered tense by isolated instances of arson, stabbing, sniping at night, minor disturbances in most of the towns and cities containing an appreciable Arab population, and by such forms of agricultural sabotage as the burning of crops, the despoliation of groves and the uprooting of trees. The Arab leaders had not then decided exactly what their policy would be. The Jewish attitude was one of watchful waiting.

With the exception of the policy of the Arab leaders the situation has undergone no notable change since April 25. The description contained in the above paragraph applies perfectly well to the present situation, although it must be recognized that the most trifling of incidents, whether accidental or of design, could precipitate disorders of a most serious nature. Such disorders would almost certainly involve a spirited armed defense by the Jews, if they considered themselves attacked, and would consequently be considerably more grave than any that have yet occurred in Palestine. The possibility of such Jewish action is not discounted by the authorities, who state that if the Haganah becomes active it will be "considered as an organization of rebels and treated as such".

It will be remembered that on April 25 the Arab leaders held a meeting to determine their line of policy. As far as can be learned the meeting was of a stormy nature and no agreement was reached until late in the afternoon. Nashashibi urged that the strike be abandoned and that the delegation proceed to London. The Mufti argued for a continuance of the strike and a unanimous Arab attitude. At length Nashashibi saw that he was outnumbered and consented, for the sake of solidarity, to lend his support to the strike. This he did wholeheartedly. His newspaper, *Falastin*, carried editorials supporting the Arab program and urging that every shop owner and chauffeur join the strike which, from that moment, became general and worthy of serious consideration.

Respectfully yours,

LELAND B. MORRIS

867N.00/285 : Telegram

The Consul General at Jerusalem (Morris) to the Secretary of State

JERUSALEM, May 18, 1936—noon.

[Received May 18—10:10 a.m.]

The center of unrest now definitely includes Jerusalem where a general curfew was imposed yesterday noon. I have identified to the local government the quarters inhabited by about 1100 Jewish Americans and have requested adequate protection. Visited the Jewish quarters and arranged for flying flag over an American Jewish headquarters and for immediate notification to the Consulate General in case of imminent danger.

Three Polish Jews killed leaving cinema by unidentified and uncaptured gunman on Saturday and one Austrian Christian wearing fez shot dead on street this morning. Considerable sporadic firing by civilians yesterday and today, no Americans thus far molested in Jerusalem.

MORRIS

867N.00/290 : Telegram

The Consul General at Jerusalem (Morris) to the Secretary of State

JERUSALEM, May 22, 1936—6 p.m.

[Received May 22—4 p.m.]

The internal situation is becoming more acute daily. Recent developments include repeated efforts to sever telegraph and telephone communications, an attack by armed Arabs on a convoy near Haifa and most significant an attack by Arabs on a detachment of Cameron Highlanders during which one of the latter was wounded when the Arabs were being dispersed after ambushing a convoy of buses and wounding two Jews near Jerusalem, in addition to the usual agricultural sabotage, arson, sniping and throwing of crude bombs.

Military establishment further reenforced by the arrival today of a battalion of Seaforth Highlanders from Cairo and a company of Royal Engineers from Egypt. The latter will assure functioning of railway.

MORRIS

367N.11/72a : Telegram

The Acting Secretary of State to the Consul General at Jerusalem (Morris)

WASHINGTON, May 23, 1936—3 p.m.

Department approves measures you have taken, as reported in your May 18, noon, with view to protection of American nationals.

You are, of course, aware of the widespread interest in Jewish circles in this country in the Palestine situation; the files of the Consulate General will indicate the care and attention which the Department has given to this problem in previous instances in which disturbances have arisen. In view of these considerations and bearing in mind the growing tenseness of the situation, as reported in your May 22, 6 p.m., I wish to impress upon you the great importance which we attach to your acting vigorously and promptly with the local authorities in requesting adequate protection for American nationals in any situation which may arise. We have full confidence that you will act accordingly in seeing that such protection is afforded.

CARR

 367N.11/73a : Telegram

*The Secretary of State to the Ambassador in the United Kingdom
(Bingham)*

WASHINGTON, May 28, 1936—noon.

184. The Consul General at Jerusalem, in reporting on the Palestine disturbances, states that he has identified to the local government the quarters occupied by 1100 American nationals and has requested adequate protection for them. He emphasizes that the local authorities have given notably prompt attention to his requests for protection of American nationals and property.

Please express to the Foreign Office the Department's appreciation for the cooperative attitude of the Palestine authorities in this matter. Unless you perceive some objection also state that in view of the large number of American nationals in Palestine and the extent of American interests there, the Department would be gratified to receive from time to time such information as may appropriately be furnished concerning current developments in that country, with particular reference to the safety and protection of American nationals.

HULL

 867N.00/317 : Telegram

The Consul General at Jerusalem (Morris) to the Secretary of State

JERUSALEM, July 1, 1936—5 p. m.

[Received July 1—3:17 p.m.]

More drastic measures by the military and the arrival of a battalion of the mechanized Eighth Hussars, thus providing a ninth battalion to participate in the intensive campaign now being carried on against terrorism, have apparently had some effect on the Arabs and the situation has been definitely easier for the past week. The strike has also

been weakened in the last few days and it is being broken by many individuals, although stores and offices are still closed. It is possible the turning point is approaching unless Arabs should be seriously provoked or receive greater encouragement from the inhabitants of a neighboring country. Rumors are current that Abdullah ¹⁰ is experiencing difficulty in restraining Trans-Jordan Arabs but only confirmation comes from newspaper correspondents recently returned from that country. Additional troops are expected shortly.

Consul Brent has just returned from a 2-day trip through the southern Jewish settlements and reports that Americans are satisfied with protective measures taken. Damage to American property in the south has thus far been slight and some groves have been insured against damage by riot.

MORRIS

867N.00/334 : Telegram

*The Secretary of State to the Ambassador in the United Kingdom
(Bingham)*

WASHINGTON, July 27, 1936—5 p.m.

285. Personal and confidential for the Ambassador.

It has been brought to the attention of the President by influential Jewish groups in this country that the British Government is contemplating the suspension of Jewish immigration into Palestine. American Jewish leaders fear that such suspension may close the only avenue of escape of German and Polish Jews and that it may prove difficult to revoke.

Unless you perceive serious objection I should like to have you mention this matter to Mr. Eden ¹¹ entirely personally and unofficially, stressing the fact that you are not speaking on behalf of your Government. In this connection you could say that you do not of course presume to interfere in any way with the policy which Great Britain may adopt with respect to Palestine or to offer any advice thereon since the administration of that country is entirely a British responsibility. You could add, however, that you believed that the Foreign Minister would wish to know that influential Jewish circles in the United States are deeply concerned at the possible consequences of suspending Jewish immigration into Palestine and that in a personal capacity you are bringing this fact to his attention for such consideration as it may merit.

Please telegraph the results of such informal conversation as you may have, marking your reply as personal to me.

HULL

¹⁰ Amir Abdullah Ibn Hussein of Trans-Jordan.

¹¹ Anthony Eden, British Secretary of State for Foreign Affairs.

867N.00/335 : Telegram

The Ambassador in the United Kingdom (Bingham) to the Secretary of State

LONDON, July 28, 1936—5 p.m.
[Received July 28—2:20 p.m.]

377. Personal and confidential for the Secretary. Your 285, July 27, 5 p.m., arrived just as I was going to keep an appointment with Eden. I brought the matter up in an entirely personal way on the ground that I thought he would like to have the information. He thanked me for the information but gave no indication as to what the policy of his Government would be.

BINGHAM

867N.00/340

The Ambassador in the United Kingdom (Bingham) to the Secretary of State

No. 2404

LONDON, July 31, 1936.
[Received August 8.]

SIR: I have the honor to report that on July 29th, the Secretary of State for the Colonies¹² announced in the House of Commons that the King had approved the appointment of the following to serve on the Palestine Royal Commission :

The Right Honorable Earl Peel, G.C.S.I., C.B.E.; Chairman;
The Right Honorable Sir Horace Rumbold, Baronet, G.C.B.,
G.C.M.G., M.V.O.; Vice Chairman;
Sir Laurie Hammond, K.C.S.I., C.B.E.;
Sir Morris Carter, C.B.E.;
Sir Harold Morris, M.B.E., K.C.;
Professor Reginald Coupland, C.I.E.

Mr. Ormsby-Gore said that Mr. J. M. Martin of the Colonial Office would be Secretary, and that the terms of reference of the Royal Commission will be as follows:

“To ascertain the underlying causes of the disturbances which broke out in Palestine in the middle of April; to inquire into the manner in which the Mandate for Palestine is being implemented in relation to the obligations of the Mandatory towards the Arabs and the Jews respectively; and to ascertain whether, upon a proper construction of the terms of the Mandate, either the Arabs or the Jews have any legitimate grievances upon account of the way in which the Mandate has been, or is being implemented; and if the commission is satisfied that any such grievances are well founded, to make recommendations for their removal and for the prevention of their recurrence.”

¹² William Ormsby-Gore.

Mr. Ormsby-Gore also said that it was not yet possible to state on what date the Commission will leave for Palestine, but it was not proposed that the Commission should begin its work in Palestine until order has been restored there.

A clipping from Hansard of July 29th, containing the above-mentioned announcement and the subsequent debate is attached hereto.¹³

Respectfully yours,

For the Ambassador:
HERSCHEL V. JOHNSON
First Secretary of Embassy

867N.00/335 : Telegram

The Secretary of State to the Ambassador in the United Kingdom (Bingham)

WASHINGTON, August 1, 1936—noon.

293. Your 377, July 28, 5 p.m. Personal and Confidential for the Ambassador.

Are we correct in assuming that the recent announcement of the membership and terms of reference of the Royal Commission of Inquiry indicates that the British Government has abandoned, for the time being at least, any plans it may have had to suspend temporarily Jewish immigration into Palestine? Any information you can obtain discreetly as to the present status of this matter would be most helpful.

HULL

867N.00/358 : Telegram

The Consul at Jerusalem (Wadsworth) to the Secretary of State

JERUSALEM, August 22, 1936—11 a.m.

[Received August 22—9:40 a.m.]

I learned 3 days ago that Senators Copeland,¹⁴ Austin¹⁵ and Hastings,¹⁶ accompanied by their wives, a female secretary, and Isaac Don Levine as publicity agent, will arrive Haifa Sunday morning on 2 weeks visit to investigate Palestine situation. Local inquiries elicited information that preceding day President Magnes, Hebrew University, received telegram requesting him reserve hotel accommodations and inform head Political Department, Jewish Agency; also

¹³ Not reprinted.

¹⁴ Royal S. Copeland, Senator from New York.

¹⁵ Warren R. Austin, Senator from Vermont.

¹⁶ Daniel O. Hastings, Senator from Delaware.

that Hadassah, New York, has telegraphed suggesting that Dr. Copeland would wish to visit Zionist hospitals and health centers.

A local committee of five representative Americans (leading Zionists) has been formed to meet party on arrival and has planned propaganda visits to Jewish colonies before proceeding Jerusalem. Meanwhile, I asked Consul General at Alexandria where party arrived yesterday to keep me in touch with developments. Today Legation Cairo telegraphed party has been organized and financed by Hearst.¹⁷ This is confirmed by *New York Times* correspondent Levy who suggests junket designed to appeal to Jewish vote in coming Presidential elections through pro-Jewish propaganda and neutralization former Hearst Nazi-philia.

This afternoon Chief Secretary of the Palestine Government expressed surprise that neither he, through issuing British visa office, nor I had heard from our Governments. He is reporting matter to London and requests that I inform the Department. He takes position on grounds of safety alone that the party cannot be permitted to tour country. With this I fully concur, particularly in view of present recrudescence of terrorism and especially as Zionists are sponsoring tour.

WADSWORTH

867N.00/358 : Telegram

The Acting Secretary of State to the Consul at Jerusalem
(Wadsworth)

WASHINGTON, August 22, 1936—3 p.m.

Your August 22, 11 a.m. While the Department was informed of Senator Copeland's proposed visit to Palestine, it had no previous information regarding the visit of Senators Austin and Hastings nor of any intention to investigate the Palestine situation.

If, as you report, the Chief Secretary of the Palestine Government considers that, on grounds of safety, the party cannot be permitted to tour the country, the Department assumes that the senators in question would not desire to do so. If in your opinion, and on the basis of the knowledge at your disposal, you regard such a tour as unsafe you will of course add your views to those of the above-mentioned British official, while at the same time endeavoring to obtain for the senators every courtesy and facility that may be possible and proper under the circumstances.

PHILLIPS

¹⁷ William Randolph Hearst, newspaper publisher.

867N.00/364 : Telegram

The Secretary of State to the Consul at Jerusalem (Wadsworth)

WASHINGTON, August 27, 1936—6 p.m.

Following is text of telegram of August 27 from American Ambassador at London :

“Foreign Office states that the High Commissioner in Palestine has been instructed to extend to the American Senators every practicable courtesy but that the question of their freedom to travel in the country is one entirely in the discretion of the High Commissioner himself.”

In this connection, and with particular reference to the final sentence of the Department’s August 22, 3 p.m., you will, of course, appreciate that the Department has expressed neither approval nor disapproval of the unofficial mission on which the Senators are engaged.

HULL

867N.00/377 : Telegram

The Ambassador in the United Kingdom (Bingham) to the Secretary of State

LONDON, September 4, 1936—5 p.m.
[Received September 4—12: 55 p.m.]

420. A letter from Mr. Ormsby-Gore, the Colonial Secretary, to Dr. Weizmann, President of the Jewish Agency and the World Zionist Organization, was published today, in which the Colonial Secretary denies reports current in Palestine that terms of settlement accepted by the Higher Arab Committee, have received the approval either of the British Government or the High Commissioner. The letter says :

“No such terms have been agreed to either by the High Commissioner or by His Majesty’s Government. Moreover, there is no foundation for the suggestion which is referred to in the letter addressed on August 31st by the Jewish Agency to the High Commissioner that the High Commissioner has authorized Nuri Pasha¹⁸ to give assurances regarding the measures, including the suspension of immigration, to be taken after the cessation of the disturbances. . . .^{18a} No promises have been made to Nuri Pasha by the High Commissioner or by His Majesty’s Government as regards . . . the suspension of immigration.”

This letter has been interpreted in the press as meaning that the Government has decided not to suspend Jewish immigration to Palestine pending the restoration of order. The Colonial Office this after-

¹⁸ Nuri Pasha As-Said, Foreign Minister of Iraq, who was in Jerusalem attempting to arrange a settlement. See British Cmd. 5479 (1937) : *Palestine Royal Commission Report*, p. 100.

^{18a} Omissions indicated in the original telegram.

noon stated informally to the Embassy that this interpretation is erroneous and in their opinion not justified by the terms of the letter. It was stated that no decision has yet been made one way or the other regarding the suspension of immigration to Palestine.

The War Office has announced that the despatch of military reinforcements to Palestine is under consideration.

BINGHAM

867N.00/380 : Telegram

The Consul at Jerusalem (Wadsworth) to the Secretary of State

JERUSALEM, September 7, 1936—10 a.m.

[Received 5:34 p.m.]

Referring to my telegram of August 27, 2 p.m.¹⁹ Since publication last Friday British Colonial Secretary's letter to Weizmann, British and Arab circles here have lost hope of settlement along lines Nuri proposals.

Ranking senior army officer, Palestine has informed me:

(1) Under decision British Government martial law will be proclaimed Palestine probably this week;

(2) Major part First Army Division (probably some 15,000 troops) will sail almost at once from England thus practically doubling forces here;

(3) Lieutenant General Dill, recently War Office, will proceed Palestine immediately to become commander-in-chief, present air officer commander being transferred and early retirement High Commissioner bruited.

Immediate British aim seems clearly to be that enunciated Saturday by Defense Minister "to bring violence in Palestine to an end without further parley."

Under martial law we may anticipate arrest or close surveillance Arab leaders, strict press censorship, strong emphasis on endeavor disarm population and summary enforcement death penalty for offenses already specially proscribed and probably for unauthorized possession of arms.

I gather impression military is confident it can reestablish order after relatively brief campaign following which Royal Commission will begin inquiry *in situ*.

High Commission, reliably reported continuing disapproval proclamation martial law, visited Emir Abdullah Saturday and induced him support final appeal to Arab Higher Committee call off strike and terrorism to avoid disastrous results enforcement martial law.

WADSWORTH

¹⁹ Not printed.

867N.00/393

*Memorandum by the Chief of the Division of Near Eastern Affairs
(Murray)*

[WASHINGTON,] September 22, 1936.

Senator Copeland of New York called on the Secretary of State yesterday afternoon for the purpose, so he stated, of reporting to the Secretary the results of the observations he had made during the course of a recent visit to Palestine, accompanied by Senator Hastings of Delaware and Senator Austin of Vermont.

Senator Copeland stated that he had not sought or desired to be a member of the party making an unofficial investigation of conditions in Palestine, but had agreed to participate upon the understanding that he was to be free to express his views on the situation without any obligation to Mr. Hearst, who, so it appears, financed the trip. The Senator stated that he made this clear to Mr. Hearst himself, who accompanied the party as far as Naples, and that Mr. Hearst "naturally" acceded to Senator Copeland's wishes in the matter.

After expressing his praise of the various Foreign Service officers in the Near East with whom he came in contact, the Senator recounted his experiences with British officials, including the High Commissioner in Palestine, who, according to the Senator's own statement, granted him every facility for the purpose of making his investigations, even to the extent of furnishing armed troops on trains proceeding to various points in Palestine.

The Senator pointed out that he had conferred not only with Jewish circles in Palestine but also with representatives of various Arab groups. He expressed the view that the Arabs in Palestine had profited by Jewish immigration and by the introduction of foreign capital in the country, but he was emphatic in his view that the British authorities had been remiss in the execution of the terms of the Mandate and in having failed to effect a conciliation between the Jewish and Arab populations. He expressed the opinion that Great Britain, instead of devoting herself to her obligations under the Mandate, was using Palestine as a political football for her imperial purposes. He revealed, during the course of his conversation, that he intended to make public statements in the above sense.

In reply, the Secretary pointed out that our Consul General in Jerusalem is a thoroughly experienced Near Eastern officer who has served in the Division of Near Eastern Affairs and had charge of Palestine there, and that we had kept ourselves constantly informed of all phases of the present situation. The Secretary furthermore expressed his confidence that the British Government was fully aware of the views entertained in Jewish circles in this country respecting

the Palestine problem. He mentioned the fact that recent British reinforcements in Palestine have brought the number of British troops there to about 32,000. He pointed out to the Senator that, although there are in Palestine more than 10,000 American citizens, not one of them has as yet been injured and that all requests made by the American Consul General at Jerusalem for the protection of American nationals and interests in the country had been promptly accorded by the British authorities. He intimated to the Senator that, while keeping constantly on the alert in this matter, it might be delicate to make any demands upon the British Government as to the specific manner in which it should carry out its obligations under the Mandate. In this connection Mr. Hull referred to the debates in the House of Representatives at the time the Joint Resolution was passed in 1922 favoring the establishment in Palestine of the National Home for the Jews.²⁰ He referred to the fact that the Resolution as originally drafted stated that this Government "pledges its support" to the establishment of such a home and that, at the instance of Mr. Hughes, then Secretary of State, the above expression was struck out and the Resolution was made to read that the United States "favors" the above-mentioned project.

Mr. Hull further reminded the Senator that any intervention on the part of this Government might bring forth a suggestion from the British Government that we assume responsibilities for the execution of the Palestine Mandate and recalled that at one time it had even been suggested that this Government accept the Mandate for Palestine. The Senator replied that he felt sure we would run no risk today of having the Mandate offered to us again, in view of the present weakness of the British Government as a result of the Ethiopian fiasco and the recent Anglo-Egyptian Treaty²¹ and the increased importance which Palestine had assumed in the defense of British imperial interests.

At the conclusion of his conversation with the Secretary, the Senator emphasized that he had only come to make a friendly visit upon the Secretary and to report on his visit to Palestine and stated that he was not requesting the Secretary to take any action in the matter. He did, however, feel that the Secretary would be justified, in view of present conditions in Palestine and in view of our Treaty with Great Britain respecting Palestine,²² in reminding the British Government of its responsibilities under the Mandate. He did not, however, ask the Secretary to take such action.

WALLACE MURRAY

²⁰ See *Congressional Record*, vol. 62, pt. 10, pp. 9799 ff.

²¹ Signed at London, August 26, 1936; for text, see British Treaty Series No. 6 (1937): *Treaty of Alliance, etc.*

²² Signed December 3, 1924, *Foreign Relations*, 1924, vol. II, p. 212.

867N.00/401 : Telegram

The Consul at Jerusalem (Wadsworth) to the Secretary of State

JERUSALEM, October 12, 1936—noon.

[Received 4:28 p.m.]

Local reaction to Arab Higher Committee's publication night before last of Arab rulers' ²³ appeal and consequent "call upon the noble Arab community to end the strike and the unrest" is one of general relief, thankfulness.

Arab circles are jubilant, arguing that while no concrete British promises have been obtainable their 6 months' protest has not only brought Palestine question before bar of world opinion but has also made of it an Arab question in the solution of which Great Britain will lend sympathetic ear to representations of neighboring Arab rulers.

Jewish circles approve settlement because they too have lost economically from strike but disapprove strongly circumstances of termination fearing precedent created for interventions by these Arab rulers.

While British military circles regret loss of opportunity to administer much needed lesson, civilian officials believing ultimate solution must be based on conciliation and compromise are relieved that repression through martial law has become unnecessary.

This morning, after early prayers in mosques and churches, Arab shops opened and normal life of city was resumed in atmosphere almost festive.

Most observers believe that next fortnight will see end of sabotage and violence and gradual dispersing of provincial terrorist bands, that Royal Commission will arrive end of this month for minimum 3 months' inquiry, that local situation can best be described as armed truce pending action upon Commission's findings and that as it was this situation which furnished pretext for establishing extra division of British troops in southeastern Mediterranean majority of forces now here will be retained pending clarification European situation.

WADSWORTH

867N.00/410 : Telegram

The Ambassador in the United Kingdom (Bingham) to the Secretary of State

LONDON, November 6, 1936—noon.

[Received November 6—9:10 a.m.]

513. Embassy's despatch 2404, July 31. Palestine Royal Commission left yesterday due Jerusalem November 11.

²³ Amir Abdullah of Trans-Jordan, King Ibn Saud of Saudi Arabia, and King Ghazi of Iraq.

In the House of Commons yesterday the Colonial Secretary rejected, as unjustifiable on economic grounds and as likely to prejudice the work of the Royal Commission, the view that immigration should be suspended. But in view of conditions in Palestine the High Commissioner had been asked to take a conservative view for the immediate future of the absorptive capacity of the country. The British Government accepted his recommendation that the 6 months quota should be reduced from about 8,000 to 1,850 including 300 German Jews already in Palestine who had been unable to obtain transfer of their capital from Germany and must technically rank as immigrants. Full text by pouch.

BINGHAM

867N.00/412

*The Assistant Chief of the Division of Near Eastern Affairs (Alling)
to the Assistant Secretary of State (Moore)*

[WASHINGTON,] November 6, 1936.

DEAR JUDGE MOORE: Jewish circles will undoubtedly be severely disappointed at the action of the British Government, reported in the attached telegram,²⁴ in reducing the labor immigration schedule into Palestine to 1,850. It is important to point out, however, that the labor schedule includes only a portion of the Jewish immigration into the country since other categories, including persons with a specified capital, members of liberal professions, skilled artisans, etc., enter without regard to quotas.

The labor schedule, which is issued twice yearly, covers the period from April 1 to September 30 and from October 1 to March 31. During recent years the schedule has been as follows:

<i>Schedule period</i>	<i>Immigrants</i>
April-September, 1933.....	5,500
October, 1933-March, 1934.....	5,500
April-September, 1934.....	6,200
October, 1934-March, 1935.....	7,500
April-September, 1935.....	8,000
October, 1935-March, 1936.....	3,250
April-September, 1936.....	4,500

It is important, likewise, to note that dependents of persons entering under the labor schedule are not included in the above-mentioned quota. According to official statistics of the Palestine Government, 61,854 Jews entered the country in 1935. Of this number only 14,653 came in under the labor schedule. Dependents of this latter group numbered 13,076. In other words, persons included in the labor schedule and their dependents accounted for an immigration of 27,000

²⁴ *Supra.*

while the remaining 44,000 entered comparatively freely under other categories such as those mentioned in the first paragraph. Under the action now taken by the British Government it is apparent that persons in these other categories will be permitted to enter as usual. Accordingly immigration into Palestine has not been reduced to anywhere near the extent which is indicated by the bare facts included in this telegram.

It is not at all unlikely that Jewish organizations in this country will press us to take some action vis-à-vis the British Government and to urge the latter to rescind its decision and to increase the labor schedule. You are already familiar with the difficult situation in which the British Government is placed because of the hostility manifested toward its Palestine policy by Moslems in various parts of the British Empire. It is apparent that the action which the British Government has now taken is intended as a compromise which will reassure the Arabs and Moslems to some extent and yet at the same time not seriously reduce Jewish immigration. Doubtless some conciliatory move toward the Arabs was considered necessary in order that their cooperation might be obtained in connection with the investigations which the Palestine Royal Commission intends to carry out during its forthcoming trip of inspection.

Under the circumstances it would seem desirable for us to refrain from intervening in any way in this question, particularly since it is now about to receive the attention of the Royal Commission of Inquiry. Moreover, since we ourselves strictly limit our own immigration we are scarcely in a strong position to insist that other countries adjust their immigration laws and regulations to suit the desires of ourselves or a portion of our population.

PAUL H. ALLING

867N.00/412 : Telegram

The Consul at Jerusalem (Wadsworth) to the Secretary of State

JERUSALEM, November 10, 1936—2 p.m.

[Received November 10—11 : 20 a.m.]

Palestine situation has been seriously complicated by the British Colonial Secretary's announcement November 5 that Jewish immigration while restricted on grounds of lessened economic absorptive capacity as to number of authorized labor immigrants, is to be permitted to continue on the same basis as before termination of Arab [general strike].

Jewish circles here and abroad while denying existence any basis for reduction of labor schedule view developments as "important victory in principle". Arab circles while recognizing no contrary

assurances were given unanimously charge British Government with bad faith and yielding to Jewish presumption. Country-wide support is given to Higher Committee decision November 6 "not to cooperate with the Royal Commission" due to arrive Palestine tomorrow morning.

Local British circles are inclined privately to consider publication of labor's schedule at this juncture as politically inept and while regretting Arab decision view it as logically consistent with past action and pronouncements.

While events of past month have borne out prognostications my telegram of October 12, noon, regarding gradual cessation of violence and dispersal Arab bands, present developments lead well informed observers to fear recurrence of disorders unless Royal Commission recommends conciliatory gesture.

Fostered by former district strike committee, anti-Jewish boycott is gaining strength. While Jewish economists scout its effectiveness other observers sense strong potential danger in the possibilities for trouble-making of this country-wide organization. There seems to be no doubt, however, that the military are now in a position to deal expeditiously with any situation which may arise although unable to prevent isolated acts of terrorism.

WADSWORTH

867N.01/727½

The Chief of the Division of Near Eastern Affairs (Murray) to the Assistant Secretary of State (Moore)

[WASHINGTON,] November 18, 1936.

DEAR JUDGE MOORE: It seems clear that it would not be proper to transmit to the British Government through our Ambassador in London the document which Rabbi Wise refers to in the attached letter.²⁶ An examination of precedents for many years indicates that we have constantly declined to act as a channel of transmission for private organizations of resolutions and petitions destined for foreign governments. We have not only declined to transmit such petitions to local representatives of foreign Powers, but have also refused to transmit documents through our own representatives abroad.

In this connection you will recall that during the latter part of August and early September we had numerous letters from Jewish organizations in this country regarding the question of Jewish immigration into Palestine. Nearly all of these letters requested us to

²⁶ Not printed.

submit petitions and resolutions of protest either to the British Government or to the British Ambassador in Washington. At that time you and the Secretary agreed upon the following statement to be used in reply to such requests:

“With respect to your request to forward notice of your resolution of protest to the British Government, I must inform you that well established international practice does not permit a government to make itself a vehicle for transmission to other governments of communications from private individuals and organizations.”

This statement was included in at least sixteen letters to important Jewish organizations in the United States, including the Zionist organization itself.

In the case of the document which the Zionist organization now wishes to have transmitted to the British Government it is clear that under the terms of the Palestine Mandate the Zionist organization has a well established channel of transmission. Thus, Article 4 of the Mandate, to the terms of which we consented subject to the provisions of our convention with Great Britain, reads as follows:

“An appropriate Jewish agency shall be recognised as a public body for the purpose of advising and co-operating with the Administration of Palestine in such economic, social and other matters as may affect the establishment of the Jewish national home and the interests of the Jewish population in Palestine, and, subject always to the control of the Administration, to assist and take part in the development of the country.

“The Zionist organisation, so long as its organisation and constitution are in the opinion of the Mandatory appropriate, shall be recognised as such agency. It shall take steps in consultation with His Britannic Majesty’s Government to secure the co-operation of all Jews who are willing to assist in the establishment of the Jewish national home.”

In accordance with the provisions of this Article the Zionist organization for some years acted as the Jewish agency. About six years ago, however, an agreement was entered into between the Zionists and non-Zionists providing for cooperation between the two on the Jewish agency. Thus both Zionists and non-Zionists, of whom there are many among the Jews of the world, each have an opportunity to present their views to the British Government and to the League of Nations through the established and recognized channel of the Jewish agency. Unless otherwise decided by a three-fourths vote of the Council of the Jewish agency, the President of the Zionist organization is *ipso facto* President of the agency. As a matter of fact, Dr. Chaim Weizmann is now President of both organizations. It is perfectly clear, therefore, that the Zionist organization of America and the Zionist organizations of other countries have a well established channel of approach to the British Government. This channel is

established by the terms of the Mandate to which we have consented, and it might even be considered that it would be contrary to the provisions of the Mandate for us to act as a channel of communication with the British Government when such a channel has already been established through the Jewish agency. That the agency is most active in offering advice not only to the Palestine administration but to the British Government itself is clear from the various reports of the British Government on the administration of the Mandate.

With respect to immigration Article 6 of the Mandate provides for close cooperation between the Jewish agency and the Palestine Government. The Article in question reads as follows:

“The Administration of Palestine, while ensuring that the rights and position of other sections of the population are not prejudiced, shall facilitate Jewish immigration under suitable conditions and shall encourage in co-operation with the Jewish agency referred to in Article 4, close settlement by Jews on the land, including State lands and waste lands not required for public purposes.”

Since Rabbi Wise's proposed communication to the British Government undoubtedly has to do largely with immigration, it is clear that here again the Zionist organization of America has a legal and established channel of approach through the Jewish agency.

Furthermore, you will recall that a Royal Commission of Inquiry composed of distinguished British statesmen is now in Palestine to investigate and report upon the situation in that country. That Commission is in close touch with the Zionist agency in Palestine. While this whole question is *sub judice* it would seem altogether inappropriate for this Government to intervene in the matter by acting as a channel of transmission for the views of the Zionist organization in the United States. It might well be held by the British Government that such action would constitute undue interference in this most delicate problem and would tend to prejudice the case in the eyes of the Commission of Inquiry.

In connection with the whole question of the relations between this Government and the Zionist organization it is perhaps pertinent to quote from a conversation which Secretary of State Kellogg had with Dr. Weizmann, now and then President of the Zionist organization, on December 1, 1926. Dr. Weizmann had called to request the approval of the Secretary of State with respect to the formation of a committee to further the Zionist movement in Palestine. Dr. Weizmann had mentioned that he had seen the President who had told him that he would try to find some way to aid him. In reply to Dr. Weizmann's request Secretary Kellogg records his conversation as follows:

“I said of course I did not know what the President had said but the Zionist Movement was a private enterprise only requiring the

consent of the British Government; that the British Government controlled Palestine under a mandate and all we had to do with it was to stipulate in our treaty that American citizens should enjoy the same rights as the nationals of countries members of the League of Nations party to the mandate. He said of course that was true."

In other words, as long as ten years ago it is clear that the Secretary of State held to the view that the sole purpose of our Mandate Convention was to obtain for our citizens in Palestine the same rights as those enjoyed by nationals of countries members of the League of Nations who are party to the Mandate. I believe it can be established to be equally clear that it was not the intention of this Mandate Convention to entangle us in any other way in the most delicate problem of Palestine.

WALLACE MURRAY

867N.00/420

Memorandum by the Acting Secretary of State

[WASHINGTON,] December 2, 1936.

This morning Rabbi Stephen S. Wise and Robert Szold, a lawyer who is acting with him in connection with questions pertaining to Palestine, came to my office by appointment and, as I anticipated, brought to my attention certain printed statements which I found to be addressed to the British Commission now functioning in Palestine.

When they signified their desire that these statements should be brought to the attention of the British Government, I reminded them that Secretary Hull some time ago, in considering a request that we should diplomatically bring certain petitions and resolutions pertaining to the Palestine situation to the attention of the British Government, had replied as follows:

"With respect to your request to forward notice of your resolution of protest to the British Government, I must inform you that well established international practice does not permit a government to make itself a vehicle for transmission to other governments of communications from private individuals and organizations."

Rabbi Wise immediately said that he recognizes the reasonableness of this rule and that without it our Government might make itself a sort of post office department for the transmission of all sorts of documents to the British Government. In addition to what was said on the point just mentioned, I reminded Rabbi Wise that the provisions of Article 4 of the Mandate established the Zionist Organization as an Agency authorized to consult with the British Government and suggested that there is thus already a usable vehicle of communication and to this he assented.

The upshot of the conversation was there were left with us, simply for our own information, copies of the printed statements and that I said, in answer to a question, that we, of course, cannot object to any organization or citizen communicating in any way it may desire with Ambassador Bingham, but that I would inform the Ambassador that we are not instigating any such communication and, of course, are not expecting or desiring him to violate the rule and practice heretofore indicated by Secretary Hull.

Finally Mr. Szold said that, in the event the British Commission should limit Jewish immigration to Palestine not for economic reasons, but for political reasons, in his judgment, there would arise under the treaty a legal question which would require action by our Government. He and Rabbi Wise were quite satisfied when I told them that, in advance of knowing what the Commission may determine, it was premature to talk about any possible legal question in which our Government might or might not be interested.

R. W[ALTON] M[OORE]

SYRIA AND THE LEBANON

REPRESENTATIONS BY THE UNITED STATES AGAINST FRENCH UNILATERAL WITHDRAWAL OF CUSTOMS PRIVILEGES ASSURED TO AMERICAN EDUCATIONAL AND PHILANTHROPIC INSTITUTIONS IN THE LEVANT STATES UNDER FRENCH MANDATE¹

690D.11241/24

*The American Consul at Beirut (Steger) to the French High Commissioner (De Martel)*²

[No.] 360

The American Consul presents his compliments to His Excellency the French High Commissioner, and begs to call attention to the fact that the provisions of *Arrêté* No. 292/LR, of December 20, 1934,³ appear to constitute a limitation of the privileges assured to American educational and philanthropic institutions in the Levant States under French Mandate.

As one of the preliminaries to the signing, on April 4, 1924, of the convention between the United States and France⁴ with respect to the rights of the two Governments and their nationals in Syria and the Lebanon, M. Poincaré, then Minister of Foreign Affairs, in a letter addressed, under date of November 2, 1923, to the American Ambassador at Paris,⁵ assured the American Government that its nationals should enjoy all privileges accorded to those of any other power. Specifically mentioned in this connection as applicable also to American nationals were certain assurances which had been given to the Italian Government,⁶ among which the following are quoted:

“Le Gouvernement Français assure le Gouvernement Royale que les écoles, orphelinats, asiles, hôpitaux et dispensaires italiens jouiront en Syrie et au Liban de la franchise douanière, exception faite pour les institutions qui se livreront a des entreprises ayant un caractere commercial.

¹ For previous correspondence relating to this subject, see *Foreign Relations*, 1931, vol. II, pp. 267 ff.

² Copy transmitted to the Department by the Consul in his despatch No. 852, March 18, 1935; received April 22.

³ For text, see Executive Agreement Series No. 107, p. 6.

⁴ *Foreign Relations*, 1924, vol. I, p. 741.

⁵ *Ibid.*, 1923, vol. II, p. 4.

⁶ The assurances were given in the Franco-Italian agreement of September 29, 1923; see *ibid.*, p. 5. For French text, see High Commission of French Republic in Syria and the Lebanon, *Les Actes Diplomatiques en vigueur au 1^{er} avril 1935 dans les États du Levant sous Mandat français*, p. 361.

“Les marchandises importées à l’usage personnel des membres de ces institutions seront admis en franchise jusqu’à concurrence d’une somme à déterminer.”⁷

In negotiations with regard to the interpretation of these assurances, carried on between this Consulate General and the French High Commission, and later between the American Embassy at Paris and the French Ministry of Foreign Affairs, the American Government consistently maintained that the wording of the above mentioned statements clearly guarantees to American educational and philanthropical institutions free customs entry, without limitation as to either the quantity or the character of merchandise, for all goods imported for the establishment and maintenance of such institutions.

The American Government has further consistently maintained that the agreement reached between it and the Government of France cannot be modified or restricted by local ordinances promulgated and put into effect in Syria and the Lebanon. This contention of the American Government was unreservedly accepted by the French Government on November 4, 1930, as appears from a communication addressed by the French Ministry of Foreign Affairs to the American Embassy under date of March 10, 1931. A copy of this note is enclosed for ready reference.⁸

The provisions of *Arrêté* No. 292/LR appear to impose the following restrictions on importations of merchandise for the use of educational and philanthropical institutions:

1. Duty-free importations for the use of these institutions are, by the terms of this *Arrêté*, strictly limited both in quantity and in kind.
2. According to semi-official information given by the competent customs officials, duty-free importation of goods for personal use is limited to members of religious communities and evangelical missions, to the exclusion of the personnel of non-sectarian schools.

In view of the fact that the provisions and the application of *Arrêté* No. 292/LR are clearly in conflict with the rights assured to American institutions by M. Poincaré’s letter of November 2, 1923, and reaffirmed by the note of the French Ministry of Foreign Affairs in its note of March 10, 1931, Mr. Steger trusts that M. de Martel will give instructions to the end that the provisions of this *Arrêté* shall not be applied to American educational and philanthropical institutions and their personnel, and that customs duties incorrectly assessed since the entry into effect of the *Arrêté* shall be refunded.

[BEIRUT,] January 25, 1935.

⁷ These two paragraphs are article 7 in the original agreement. For translation, see *Foreign Relations*, 1923, vol. II, p. 6.

⁸ Not printed.

690D.11241/25

The Consul at Beirut (Steger) to the Secretary of State

No. 887

BEIRUT, May 25, 1935.

[Received June 14.]

SIR: I have the honor to refer to my despatch No. 852 of March 18, 1935,⁹ reporting that a decree, No. 292/LR, issued by the French High Commissioner on December 20, 1934, appears to constitute a unilateral withdrawal of rights assured, by virtue of an agreement concluded between the American and French Governments in 1923, to American educational and philanthropic institutions in the Levant States under French Mandate. As an enclosure to this despatch was transmitted a copy of a note sent, under date of January 25, 1935, to the French High Commissioner, protesting against this action.

I now have the honor to transmit a copy, with translation, of the High Commissioner's note of May 8th, 1935, replying to the observations made in my note of January 25th.

A perusal of this note will show that it does not constitute a reply to the points raised in my communication of January 25th: passing over without comment the legal status of the matter as outlined by me, M. de Martel has merely attempted to justify his action by explaining the factors which led him to the conclusion that such action was necessary as a matter of policy.

For the information of the Department, I wish to make the following comment on several points mentioned in the present communication of the High Commission:

It is to be noted that the High Commissioner adopts the standpoint that the French Foreign Office, in accepting, in its note of March 10, 1931, the contention of the American Government, was not acknowledging the justice of the American claims, but was, "in a spirit of broad liberality," granting a request of the American Embassy. Consequently, as a corollary to this standpoint, the High Commissioner feels that, the necessity having arisen, this voluntary concession may be withdrawn at will. It is my personal opinion that the Department will hardly be disposed to accept this viewpoint.

In the second place, it is stated that the withdrawal of privileges from the institutions in question was a necessary concession to public opinion, as represented by the demands of a committee from the Lebanese Chamber of Deputies. This statement is, to say the least, misleading. It is true that the Chamber sent a Committee to request "a restriction of privileges." The privileges in question, however, were those enjoyed by concessionary societies, by French civilians in

⁹ See footnote 2, p. 460.

making purchases from the military cooperative stores, and in connection with duty-free importation of automobiles by officials. I have inquired of one of the members of this committee, who informs me that no mention whatsoever was made of the customs privileges accorded to educational and philanthropic institutions.

Thirdly, it is stated that certain local—i. e., Lebanese or Syrian—institutions had abused the privileges granted them, and that it was consequently necessary to withdraw these privileges from all institutions. Personally, I fail to see the logic of this statement; nor do I know of any reason why the privileges granted might not be withdrawn individually from those institutions which have abused them.

The only logical contention advanced in the note consists in the argument that the assurances given to the Italian Government provide for "customs exemption", and that this assurance might be interpreted to contemplate a continuation—but not an extension—of the privileges guaranteed under Ottoman law, which privileges France was required, by the terms of the Mandate, to safeguard. It is true that under Ottoman legislation dating back to 1864 both the amounts and the nature of the articles to be imported duty-free were subject to limitation; and very probably the French Government did not anticipate that the assurances given to the Italian Government in the accord of September 29, 1923 should be construed as extending these privileges indefinitely.

Nevertheless, the fact remains that the French Foreign Office, in its note of March 10, 1931, accepted such a construction, thus in effect incorporating this interpretation into the agreement reached between the two Governments on November 2, 1923.

In a recent conversation with M. Kieffer, Acting Chief of the Political Bureau of the French High Commission, I expressed the opinion that the note of May 8th did not constitute a reply to the question of principle involved; that the withdrawal of these privileges, without consultation with the American Government, constituted an unfortunate precedent; and that, irrespective of the validity of the reasons which led the High Commission to the conclusion that this action was desirable, such a precedent could hardly be accepted without comment by the American Government.

I then repeated my formerly expressed opinion that the Department of State is far from desiring to embarrass the Mandatory Power in the pursuit of the best interests of the States under Mandate, and that it would undoubtedly be willing to give sympathetic consideration to any request of the French Government to enter into conversations with a view to arriving at a new agreement which would safeguard the interests of all concerned.

Consequently I suggested that the High Commission's note of May 8th be considered, not as a final reply to my representations, but as an expression of the desire of the High Commission that such conversations be initiated. I added that, until or unless a new agreement should be reached, the rights assured to American institutions under the accord concluded between the two Governments in 1923 should, in my opinion, be considered as existing without modification.

Mr. Kieffer, while expressing the opinion that such conversations would hardly result in a modification of the present standpoint of the French High Commission, agreed with my suggestion. Under the circumstances I am refraining from further written communications on the subject, pending instructions from the Department.

From the attitude of Mr. Kieffer I judge that the French High Commissioner, although realizing the weakness of his legal position, will be most reluctant to acknowledge himself in error, and to make an open admission of this fact by a prompt modification of the decree which he has so recently issued. Consequently it is probably advisable that further representations be made direct to the French Ministry of Foreign Affairs through the American Embassy at Paris. A copy of this despatch is being sent to the Embassy at Paris for its information.

Respectfully yours,

C. T. STEGER

[Enclosure—Translation]

*The French High Commissioner (De Martel) to the
American Consul at Beirut (Steger)*

No. 4050

BEIRUT, May 8, 1935.

MR. CONSUL: In your note of January 25th, last, you were kind enough to set forth certain views regarding Decree No. 292/LR of December 20, 1934, regulating customs immunities on importations made by religious communities, evangelical missions, educational institutions and charitable societies. You called attention to the conversations preliminary to the signing, on April 4, 1924, of a convention between the United States and France relative to the rights of the two Governments and their nationals in Syria and the Lebanon, particularly to a letter by which M. Poincaré, then Minister of Foreign Affairs, assured, on November 2, 1923, the American Government that its nationals would enjoy all privileges granted to those of any other country. Among those privileges were certain assurances given to the Italian Government in an agreement dated September 29, 1923, of which you quoted the main points.

The interpretation of these points having given rise to an exchange of correspondence, you attached to your letter a copy of a note, dated March 10, 1931, by which the Minister of Foreign Affairs informed the

American Embassy at Paris that, in order to comply with his expressed desire, exemption of customs duties would be granted on importations made by American institutions, without setting an annual quota, and with the sole reservation of proof as to their destination and use.

You maintained that, under these circumstances, American institutions should be exempt from the provisions of Decree No. 292/LR.

In the course of a conversation at the High Commission the reasons for which the latter had been obliged to issue the decree in question were explained to you.

You then expressed the desire to have a written confirmation hereof. This note serves that purpose.

It behooves us first of all to recall that the immunities enjoyed by educational, philanthropic and religious institutions in the States under French Mandate date back to the Ottoman Empire. Under the terms of the Mandate, France had to safeguard the privileges formerly enjoyed by these institutions.

However, the Ottoman customs regulations of 1910 did not provide for illimited franchise privileges; the kinds of articles to be imported free of duty were determined, and their value could not exceed a certain maximum.

By Decree No. 1734 dated December 22, 1922,¹⁰ the High Commission set forth the regulations applicable in this connection in the States under French Mandate. As during the Ottoman régime, the articles to be admitted free of duty were set forth in general terms, and their value limited.

By the agreement of September 29, 1923, the French Government granted to Italy "customs franchise" for its institutions in the Levant. One could reasonably argue the point whether it was a question of illimited franchise or franchise depending on the regulations then in force. But a controversy on this point would have no practical bearing, since the mandatory power was seeking to facilitate the functioning of foreign institutions by interpreting the franchise regulations in a very liberal spirit. It is in this spirit that, according to the very terms of the letter of March 10, 1931, France announced to the American Embassy at Paris that the customs administration at Beirut would receive instructions designed to satisfy the desire expressed by the Embassy.

But, however desirous the mandatory power may be of generosity in this regard towards foreign institutions, it must needs take into consideration certain reactions of public opinion. It cannot have escaped your Consulate General that this opinion has arisen more and more violently against the régime of exemptions.

¹⁰ *Recueil des Actes Administratifs du Haut-Commissariat de la République Française en Syrie et au Liban, année 1922*, vol. III, p. 473.

The Lebanese Chamber, having of its own accord taken cognizance of this problem, sent to the High Commission a committee which exposed its grievances, among which figured a demand for restriction of the privileges, and there is no doubt that the complaints emanating from those various circles are not devoid of foundation since, under cover of immunities, certain local institutions have not hesitated to abuse these privileges.

But to withdraw immunities from local institutions alone would amount to establishing in favor of foreigners a privilege which the Ottoman régime itself had not reserved to them. This innovation would be inconceivable in the face of existing opinion. The High Commission found itself under the obligation of having recourse to conciliatory measures and of establishing a regulation capable of removing all cause for legitimate complaints, at the same time safeguarding, in the largest possible measure, the interests of foreign institutions.

The text already applied by the Palestinian authorities was inspired by the same thought.

The question which you brought up is therefore not a problem of right or interpretation of text; it has above all a character of political expediency (*un caractère d'opportunité politique*).

A régime of illimited exemptions—or their limitation to foreigners alone—is impossible in the face of opinion. In the presence of a problem which should be solved, American and French interests are eminently solidary, and I do not doubt that with the help of these explanations the American Government will admit that Decree No. 292/LR constitutes a reasonable and carefully studied regulation, designed to safeguard the proper functioning of foreign institutions by placing the régime of exemptions above criticism.

Please accept [etc.]

D. DE MARTEL

690D.11241/25

The Secretary of State to the Chargé in France (Marriner)

No. 1001

WASHINGTON, August 6, 1935.

SIR: I invite your attention to despatches No. 852 of March 18¹¹ and No. 887 of May 25, 1935, regarding customs privileges of American educational and philanthropic institutions in Syria and the Lebanon, copies of which were transmitted direct to the Embassy by the American Consul at Beirut.

With the first of these despatches the Consul enclosed a copy of his note of January 25, 1935, addressed to the French High Commissioner

¹¹ See footnote 2, p. 460.

at Beirut. Since this note appeared accurately to set forth the viewpoint of this Government, the Department expressed its approval thereof in an instruction to the Consul under date of May 29, 1935,¹² a copy of which is enclosed. The High Commissioner's reply of May 8, 1935, a copy of which was enclosed with despatch No. 887, fails however, to furnish an adequate answer to several of the points raised in the Consul's original communication.

You are requested, therefore, to bring a copy of Mr. Steger's note to the attention of the Foreign Office and explain that this Government considers that the High Commissioner's note of May 8, 1935 [1935], is an inadequate reply, and that it cannot admit that rights of American nationals in Syria, recognized by official declarations of the French Government under dates of November 2, 1923 and March 10, 1931, may be withdrawn or impaired without the consent of this Government. You may point out at the same time that this Government has no desire to embarrass the French mandatory authorities in Syria and the Lebanon in their fiscal policies and that it will be glad to consider sympathetically any reasonable proposals which the French Government may wish to make with a view to the final settlement of this question which has been a subject of correspondence between the two Governments for more than ten years.

Very truly yours,

For the Secretary of State:
WILLIAM PHILLIPS

690D.11241/28

*The American Embassy in France to the French Ministry for Foreign Affairs*¹³

No. 1414

The Embassy of the United States of America has the honor to refer to the note sent by the Ministry for Foreign Affairs of France (Direction Politique) on March 10, 1931, with respect to the customs privileges of American educational and philanthropic institutions in Syria and the Lebanon. Apparently the provisions of the *Arrêté* No. 292/LR of December 20, 1934, constitute a limitation to the privileges assured to American educational and philanthropic institutions in the Levant States under French Mandate, and the Embassy has the honor to transmit herewith a copy of a note in the matter which was forwarded on January 25, 1935, by the American Consul at Beirut to His Excellency the French High Commissioner; this note sets forth accurately the viewpoint of the American Government in the matter.

¹² Not printed.

¹³ Copy transmitted to the Department by the Ambassador in his despatch No. 2261, October 26, 1935; received November 6.

The Embassy also has the honor to transmit herewith the copy of a communication dated May 8, 1935, from His Excellency M. D. de Martel to the American Consul at Beirut, which, in the opinion of the American Government, is an inadequate reply to the Consul's aforementioned note.

The American Government cannot admit that rights of American nationals in Syria, recognized by official declarations of the French Government under dates of November 2, 1923, and March 10, 1931, may be withdrawn or impaired without the consent of the Government, this having apparently occurred in the present case.

The Embassy desires to point out at this time that the American Government has no desire to embarrass the French mandatory authorities in Syria and the Lebanon in their fiscal policies and that it will be glad to consider sympathetically any reasonable proposals which the French Government may wish to make with a view to the final settlement of this question which has been a subject of correspondence between the two Governments for more than ten years.

PARIS, August 19, 1935.

690D.11241/28

*Memorandum by the Second Secretary of Embassy in France
(Werlich)*¹⁴

PARIS [undated.]

I called today upon M. Chauvel,¹⁵ at the suggestion of his immediate superior, M. de St. Quentin.¹⁶

M. Chauvel started the conversation by referring to the last paragraph of the Embassy's note No. 1414 of August 19, 1935, which is practically a verbatim quotation of the last seven lines of Instruction No. 1001 dated August 6, 1935. The Foreign Office official claimed to interpret the passage in question as a statement by the American Government that it had no objection to the withdrawal of the customs privileges by the *Arrêté* of December 20, 1934, merely resenting the way in which the restrictions were invoked, namely, without the courtesy of prior consultation with the American Government. He said that his Ministry would be pleased to apologize for this lack of courtesy and to "consult" the American Government, provided the latter would assure acquiescence in the spirit and contents of the *Arrêté* in question. I remarked that such was not my understanding of the American Government's attitude in the matter. He then asked

¹⁴ Copy transmitted to the Department by the Ambassador in his despatch No. 2261, October 26, 1935; received November 6.

¹⁵ Jean Michel Henri Chauvel, Secretary of Embassy in the African and Levant Section of the French Foreign Office.

¹⁶ Doynel de Saint Quentin, Chief of the African and Levant Section of the French Foreign Office.

me just what Washington would accept, to which I replied that the Embassy had received no intimation from the Department in this matter and that it would be up to the French authorities to make the initial suggestions.

M. Chauvel then said that it would be very difficult for the Foreign Office to make suggestions without knowing just what would be acceptable to us. He reverted to the passage in the communication of May 8, 1935 (No. 4050), from High Commissioner de Martel to Consul Steger, stressing particularly paragraphs 10 and 11 and saying that according to High Commissioner de Martel, there is a serious movement among the Syrian and Lebanese merchants to reduce duty-free imports of whatever nature (for obvious reasons), this movement having been fanned by exaggerated use of free entry privileges by Italian institutions.

Parenthetically, M. Chauvel related here a rather interesting anecdote. The Italian institutions imported shoes for their Syrian school children—a reasonable enough action according to previous privileges—but they insisted upon importing simultaneously large quantities of black shirts in order that these same children might parade the streets in true Fascist style and equipment.

The French official then stated it was his understanding that the free entry restrictions involved by the *Arrêté* do not cause any financial difficulties to the American institutions in the mandated territories in question. He said he would suggest to High Commissioner de Martel that he get into personal contact with M. Deutsch,¹⁷ who is apparently the head of the American missions in the territories involved, and ascertain just what commodities his organization would find desirable to import free of duty, and that thereafter either the *Arrêté* might be modified or an exchange of correspondence between the Foreign Office and the Embassy could take place whereby facilities would be accorded.

M. Chauvel repeated on a number of occasions that the mandatory authorities are placed in a very difficult position on account of the American Government's objection to the *Arrêté*, as final French action with respect to similar complaint by the Italian Government would perforce have to be based on whatever advantages we may obtain. He said also that local conditions had absolutely required some sort of restriction as that involved in the *Arrêté* in question.

I told the Foreign Office official that my Government obviously desired to be reasonable, that I would communicate the memorandum of my conversation with him to the Department of State for consideration, sending a copy thereof to the American Consul at Beirut.

MCCENEY WERLICH

¹⁷ Apparently a reference to Bayard Dodge, President of the American University at Beirut.

690D.11241/29

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

No. 2301

PARIS, November 9, 1935.

[Received November 20.]

SIR: In continuation of the Embassy's despatch No. 2261 of October 26, 1935,¹⁸ with respect to customs privileges for American educational and philanthropic institutions in Syria and the Lebanon, I have the honor to transmit herewith, in copy and translation, a note dated November 8, 1935, from the Ministry for Foreign Affairs, wherein inquiry is made as to whether it would not be possible to enter into an informal exchange of views concerning an ultimate settlement of the situation about which the American Government complains.

An officer of the Embassy has just received verbal information from the competent official of the Foreign Office, M. Chauvel, to the effect that the note was prepared prior to October 26, the date of the Embassy's despatch under reference, and that it was forwarded to the Embassy merely to complete the Ministry's files in the matter. He added that no action would seem to be necessary with respect to its contents prior to the receipt of information from High Commissioner de Martel, outlining any conversations which he may have recently had with the head of the American missions in the territories involved.

Respectfully yours,

JESSE ISIDOR STRAUS

[Enclosure—Translation]

The French Ministry for Foreign Affairs to the American Embassy

PARIS, November 8, 1935.

By note No. 1414 dated August 19, 1935, the Embassy of the United States of America informed the Ministry for Foreign Affairs that the United States Government, although contesting the principle of the decision taken by the High Commissariat of France at Beirut with regard to exemption from customs duty in favor of American institutions in the Levant, did not wish to embarrass the mandatory authority's fiscal regime and would examine in a friendly spirit any reasonable proposal submitted to it with a view to the settlement of the matter.

The Ministry for Foreign Affairs thanks the Embassy for this communication, and has the honor to state that an informal exchange of views would appear to it to offer opportunity to determine the nature of the accord to be arrived at. Should the Embassy share this opinion, the Sub-Division of Africa-Levant would place itself at the disposal of the person charged with discussing the matter with it.

¹⁸ Not printed.

690D.11241/30

The Consul at Beirut (Steger) to the Secretary of State

No. 983

BEIRUT, November 18, 1935.

[Received December 12.]

SIR: I have the honor to refer to my despatch No. 852 of March 18, 1935,¹⁹ and to subsequent correspondence with regard to the French High Commissioner's Decree No. 292/LR of December 20, 1934, which limits rights previously assured to American educational and philanthropic institutions in the territory under French Mandate.

Article 4 of the Decree in question denies to the institutions in question the privilege of free entry of articles imported from a country, other than the United States, which is not a member of the League of Nations. Especial attention was not called to this provision in my previous reports, inasmuch as it did not at the time appear to affect especially any American institutions in this country.

Now, however, my attention has been directed to the fact that the American University of Beirut imports considerable quantities of medical and other scientific instruments and supplies from Germany, and that, unless special arrangements are made in the meantime, imports from that country will not be admitted free of duty after the effective date of Germany's withdrawal from the League.

Inasmuch as the prohibition of duty-free imports from Germany has not yet become effective; and inasmuch as the protest of the American Government against the provisions of the Decree in question is being presented through the American Embassy at Paris, I shall, in the absence of specific instructions to that effect, make no representations to the French High Commission at Beirut.

It is possible that the Department may not feel inclined to make representations for the purpose of enabling the University to continue to import from Germany articles which, in most instances at least, might equally well be imported from the United States. However, inasmuch as the assurances given to the American Embassy at Paris, under dates of November 2, 1923, and March 10, 1931, make no mention of limitation of imports with respect to the country of origin of the merchandise, it is believed that the provisions of Article 4 of the Decree should be brought specifically to the attention of the Department.

It is respectfully requested that the Consulate General be informed in the event that the Department should deem it advisable to include this point in the representations which it is now making to the French Government.

I take this occasion to report that there has been no change in the local situation since the date of my despatch No. 887 of May 25, 1935.

Respectfully yours,

CHRISTIAN T. STEGER

¹⁹ Not printed.

690D.11241/33

The Consul at Beirut (Steger) to the Secretary of State

No. 1025

BEIRUT, January 11, 1936.

[Received February 10.]

SIR: I have the honor to refer to despatches Nos. 2261²⁰ and 2301, dated respectively October 26 and November 9, 1935, from the American Embassy at Paris, reporting the results of representations made to the French Foreign Office regarding the unilateral denial to American philanthropic and educational institutions in French Mandated territory of privileges previously assured by agreement between the American and French Governments.

From these two despatches it is noted that, although a note of the French Ministry of Foreign Affairs under date of November 8th invites the American Embassy to enter into an exchange of views for the purpose of reaching a new agreement, an official of the Ministry has verbally suggested that the conversations be postponed pending further consideration of the situation by the French High Commissioner at Beirut, and discussions between him and the representatives of American missions in this country.

I now have the honor to enclose a memorandum of a conversation which I had yesterday with M. Kieffer, Chief of the Political Bureau of the High Commission. It will be seen that, although the Ministry of Foreign Affairs duly transmitted to the French High Commissioner the suggestion that he initiate negotiations here, the latter has definitely declined to take any such action.

My opinions as to the general situation, based on local observations and frequent discussion with competent officials of the French High Commission, have been duly communicated to the Department in previous despatches. I now feel it incumbent upon me to express the opinion that the officials of the High Commission, and possibly also those of the Ministry of Foreign Affairs at Paris, are deliberately evading the issue. They realize that their legal position is weak; however, the provisions of *Arrêté* No. 292/LR of December 20, 1934, constitute a *fait accompli*, and the High Commission has every interest in postponing, rather than in meeting, the issue.

It is my understanding that the Department takes the attitude that the provisions of *Arrêté* No. 292/LR, being in contravention of treaty rights, are inapplicable to American institutions, and that, pending the consent of the American Government to eventual modifications, the rights formerly enjoyed by these institutions continue

²⁰ Not printed.

to exist unimpaired. I am inclined to believe that if the Department should insist strongly upon practical recognition of this legal situation, the French Government would find in this insistence an incentive for altering its present policy of procrastination.

Respectfully yours,

CHRISTIAN T. STEGER

[Enclosure]

Memorandum by the Consul at Beirut (Steger)

I called this morning on M. Kieffer, Chief of the Political Bureau of the French High Commission, and inquired if the High Commission had received recommendations of the French Foreign Office to the effect that the High Commissioner initiate conversations with representatives of the American missions in this country, with a view to adjusting the differences which had arisen as a result of the application of the High Commissioner's Decree No. 292/LR of December 20, 1934, limiting the customs privileges enjoyed by philanthropic and educational institutions.

M. Kieffer replied that the High Commissioner had received such recommendations from the Foreign Office, but had interpreted them to mean that the initiative for such conversations should come from the American interests concerned; and that he had recently replied to the Ministry of Foreign Affairs, stating that no one had approached the High Commission on the subject.

I replied that his evaluation of the position appeared to be at variance with my own and with my understanding of the position of the American Government; that the position of the State Department was that an international agreement had been arbitrarily altered by the Mandatory authorities without the consent of the American Government, and that, until the consent of the American Government should have been obtained, the terms of the assurances previously given by the French Government must be considered as being still in force. Such being the case, I added, the French authorities, if they desired to effect a change in the legal situation could hardly expect that the American Government should take the initiative by proposing a reduction of privileges guaranteed to American institutions by the existing agreement. It was rather, I stated, the Mandatory authorities who should act with a view to ascertaining whether the Government of the United States were willing to recede from the position taken in my note of January 25, 1935.

From this point the conversation turned to the more general question of the right of the French High Commission to withdraw the privileges previously agreed upon between the two Governments.

From M. Kieffer's statements it appears that the chief, if not the only argument in legal justification of the stand of the High Commission is that advanced in paragraphs 6 to 9 of the High Commission's note of May 8, 1935. (My comment on the argument will be found in paragraphs 8 and 9, page 3, of my despatch No. 887 of May 25, 1935.) M. Kieffer, while admitting that the French Foreign Office, in its note of March 10, 1931, accepted the contention of the American Government that the franchise granted to the institutions should be unlimited, now argues that the French Government, while bound under the terms of the Mandate to preserve privileges enjoyed by foreigners under the Ottoman régime, had no right to grant an extension of those privileges. According to this argument, the assurances given in 1931, being contrary to the terms and the spirit of the Mandate, must be considered as null and void.

Aside from this legal argument, the only justification advanced is that of expediency. In connection with this point, I merely repeated to M. Kieffer my previous statement that the American Government had expressed its willingness to give sympathetic consideration to the views of the Mandatory authorities, but that it still held to its standpoint that any modification of existing American rights must result from an agreement between the two parties rather than from unilateral action.

M. Kieffer then, reverting to my former statement that discussions of possible modifications should be initiated by the High Commission, promised to discuss the matter again with the French High Commissioner and to inform me of the results.

C. T. STEGER

BEIRUT, January 10, 1936.

690D.11241/30

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

No. 1173

WASHINGTON, January 17, 1936.

SIR: The Department transmits herewith for your information a copy of despatch No. 983 of November 18, 1935, received from the American Consul at Beirut, Syria, with reference to customs privileges for American educational and philanthropic institutions in Syria and the Lebanon.

With reference to the Department's instruction No. 1001 of August 6, 1935, and to your despatches No. 2261 of October 26, 1935 and No. 2301 of November 9, 1935,²¹ you are requested to bring again to the

²¹ Despatch No. 2261 not printed.

attention of the appropriate authorities of the Foreign Office the matter of customs immunity for American institutions in Syria with a view to obtaining a final reply to your previous representations on the subject and an early settlement of this question.

Very truly yours,

For the Secretary of State:
R. WALTON MOORE

690D.11241/34

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

No. 2591

PARIS, March 9, 1936.
[Received March 20.]

SIR: With reference to the Department's Instruction No. 1173 of January 17, 1936, with respect to customs privileges for American educational and philanthropic institutions in Syria, I have the honor to report that this entire matter has the earnest attention of the Embassy.

Since the receipt of the Department's Instruction under acknowledgement, renewed formal and informal representations have been made to the Foreign Office, and this morning, Mr. Marriner, Counselor of the Embassy, had occasion to discuss the question with M. Chauvel of the Africa-Levant Division of the Ministry for Foreign Affairs. A copy of a memorandum of their conversation is transmitted herewith. Mr. Marriner expects to meet M. de Martel, the French High Commissioner, who is due in Paris toward the end of this month and will at that time endeavor to hasten a satisfactory settlement of the matter of customs immunity for American institutions in Syria.

Respectfully yours,

JESSE ISIDOR STRAUS

[Enclosure]

Memorandum by the Counselor of Embassy in France (Marriner)

PARIS, March 9, 1936.

M. Chauvel, Secretary of Embassy in the African and Levant Division at the Foreign Office, came to see me this morning to return my call and to discuss the question of the customs privileges of American educational and philanthropic institutions in Syria and the Lebanon.

I told him that it seemed to me that the affair had resolved itself into a question of principle and that if a principle could be established, namely, that the French Government cannot unilaterally withdraw or impair those privileges and rights granted under treaties,

should France ask the American Government's consent to a certain series of modifications of the practice which existed prior to such unilateral action, no doubt some arrangement might be worked out.

M. Chauvel said that the details of an arrangement would certainly have to be worked out on the spot in Syria, since there, one had the representatives of the injured parties.

I told him that, while that might be the case, I was most anxious before I went out there to have the matter of principle settled, and as at the present moment France was protesting with all its might against a unilateral action by Germany in violation of treaties, I did not think the French would wish to be proponents of any other policy in one of its mandates.

M. Chauvel said that M. de Martel, the High Commissioner, was arriving in Paris on March 25th, and that he would be glad to arrange for him to see me at that time when perhaps in a conference something might be brought to a head.

I said that for this and for other reasons I would be glad to see the High Commissioner.

THEODORE MARRINER

690D.11241/38

*The French Ministry for Foreign Affairs to the American
Embassy in France*²²

[Translation]

PARIS, May 31, 1936.

By note No. 1790, dated March 2 last,²³ relative to the customs privileges of American educational and philanthropic institutions in Syria and Lebanon, the Embassy of the United States of America was good enough to inform the Ministry for Foreign Affairs that the Government of the United States, apprised of the *Département's* note dated November 8, 1935, continued to hold the view that the privileges of these establishments could not be unilaterally withdrawn or modified, and that any proposal tending to this end should be initiated by the French Government.

The Ministry for Foreign Affairs has the honor to advise the Embassy of the United States of America that the question thus propounded has had its closest attention. The Ministry, nevertheless, in the absence of more precise details relative to the point of view of the Government of the United States, is not in a position to determine the nature of the proposals which that Government would like to have laid before it.

²² Copy transmitted to the Department by the Ambassador in his despatch No. 2943, July 29, 1936; received August 11.

²³ Not found in Department files.

The object of the above-mentioned note of November 8, 1935, was to bring about, through informal conversations, an examination of the disputed subject. The discussions which took place between a representative of the Embassy and the *Services du Département* resulted solely in establishing the fact that neither the Embassy nor the *Département* had sufficient basic information to evaluate the practical importance of the modifications made in the regime which, before December 20, 1934, the American institutions enjoyed. The suggestion was then made to leave to local representatives of these institutions the task of presenting their point of view to the High Commissariat, the necessary study to be made on the spot.

The Embassy's note No. 1790 of March 2 last brings the question back to its starting point.

Such being the situation, the Ministry believes it should indicate as follows the position of the French Government.

Either the objection of the Government of the United States to the decree of December 20, 1934, has to do with the procedure followed in this case by the Mandatory Authority, in which event the French Government is entirely disposed to give to the regime established by this decision a contractual character by means of a Franco-American accord covering the application of this regime to American institutions.

Or the reservations of the Government of the United States have to do with the nature of this regime, and under this second supposition the French Government would not be prepared to submit any proposal whatsoever unless these reserves were precisely stated.

The Ministry of Foreign Affairs is constrained to add that any modifications of importance made to the advantage of American institutions only in the regime instituted on December 20, 1934, would present the most serious difficulties. The customs privileges granted to foreign institutions have in fact become a question of public opinion in the States of the Levant under French mandate. The Mandatory Authority, anxious to maintain for these institutions the facilities which they need, but at the same time desirous of protecting them from being reproached for benefiting from excessive privileges, to the detriment of public finances, has considered it necessary to codify these privileges, taking into account the practical needs of the establishments involved. It is a question, in short, of a consolidation destined to guarantee for the future the maintenance of these privileges which the local powers, in the absence of precise regulations, would not fail to call in question again. This end can only be attained, however, if the same regulations apply without distinction to Lebanese and to all foreign establishments.

The regime instituted on December 20, 1934, has been minutely studied by the competent services, and the French institutions, very numerous and extremely important in the Levant, declare that for their part they are satisfied.

The Italian Government, with regard to which the Mandatory Power undertook, by the terms of Article 7 of the Accord of September 29, 1923, particular pledges, referred to in the letter addressed by M. Poincaré to Mr. Myron T. Herrick, on April 4, 1924,²⁴ has limited itself, in so far as it is concerned, to formulating reserves of principle, has declared that it appreciates the reasons of political expediency which determined the decision of December 20, 1934 and has not insisted that a special regime be maintained for it.

The Ministry of Foreign Affairs hopes that the Government of the United States of America, taking into consideration the circumstances above described, will be satisfied in seeing its institutions enjoy, under the new regime, the same treatment as that accorded the Italian institutions which the above referred to letter of my predecessor described.

690D.11241/37

The Consul General at Beirut (Marriner) to the Secretary of State

No. 43

BEIRUT, July 17, 1936.

[Received August 3.]

SIR: With reference to the Department's instruction of June 10, 1936 (File No. 690 D.11241/36),²⁵ concerning discriminations in Syria, I have the honor to point out that the Department's instruction under reference apparently crossed this Consulate General's despatch No. 5 of May 15, 1936,²⁶ setting forth the modifications of the legislation regarding the practice of medicine and pharmacy in the Lebanese Republic. These modifications appear to be completely satisfactory to all concerned.

With regard to the privileges of American educational and philanthropic institutions in Syria, the Department has no doubt received from Paris a copy of the note of the French Foreign Office dated May 31, 1936, stating that the French Government is prepared to enter into a further agreement with the Government of the United States upon the subject of the customs privileges to be granted to such institutions, provided the Government of the United States is willing to conclude an agreement embodying the regime set up by the decree of December 20, 1934.

Such an agreement would merely mean giving legal force to a unilateral action of the Mandatory authority taken without con-

²⁴ *Foreign Relations*, 1924, vol. I, p. 738.

²⁵ Not printed.

²⁶ *Post*, p. 494.

sultation with or the consent of the United States and, on this basis, would seem unwise. However, any slight modification of the existing regime which could be obtained in such an agreement would be sufficient to justify action along these lines.

In so far as the regime itself is concerned, I have discussed the matter thoroughly with the authorities of the American University and the American Mission here who do not find that the regime now being applied subjects them to any undue hardships. President Dodge stated that, in so far as the restriction of the importation of foodstuffs is concerned, he was thoroughly in agreement with the reasoning of the Lebanese authorities that competition of native products offered by free importation was not justifiable. The complaints of the University have been of an administrative character rather than one of principle, and certain decisions of the customs under the French Decree No. 292/LR of December 20, 1934, have seemed arbitrary and disadvantageous to the University, but in each case an appeal to higher authority has straightened the matter out to the University's satisfaction. Therefore, from all information obtainable, it cannot be said that legitimate American interests have suffered by the application of the decree. It can only be added that unilateral modification of treaty rights is unjustified.

Therefore, I would suggest that a proposal be made to the French Government for an exchange of notes clarifying and specifying the privileges to be granted to American schools, orphanages, asylums, hospitals and dispensaries, arising out of the exchange of notes between M. Poincaré and Ambassador Herrick, dated Paris, respectively, November 2, 1923, and December 18, 1923.²⁷ This exchange of notes might well embody the sense of the decree of December 20, 1934, with one modification, namely, that the notification of an appeal from the decision of the customs authorities should exempt the educational or religious institution from paying the duty originally assessed until such time as the appeal should have been reviewed by the highest customs authorities and until notification of the refusal of such appeal should have been notified to the educational or religious institution through appropriate channels.

The insertion of such a provision in the interpretative exchange of notes would preserve the principle of non-acquiescence in an unmodified unilateral French decision on the subject, and at the same time save the American institutions involved much time and money in efforts to have returned to them duties paid under protest in the first instance where interpretation of the decree of December 20, 1934, has been harshly or wrongly applied.

As M. de Martel has not yet returned to Syria and is not expected before the middle of August, it has been extremely difficult to obtain

²⁷ *Foreign Relations, 1923*, vol. II, pp. 4 and 6.

any satisfaction from anyone here on these subjects, since the uncertainty as to the future regime of Syria and the Lebanon makes everyone reluctant to take decisions. If I could have the Department's consent in principle to the procedure outlined in this despatch, I will take the matter up with M. de Martel on his return, as it would seem most desirable to have the matter definitely settled before any new regime can take over in the Lebanon or Syria.

Respectfully yours,

THEODORE MARRINER

690D.11241/37

The Secretary of State to the Consul General at Beirut (Marriner)

WASHINGTON, September 12, 1936.

SIR: Reference is made to your despatch No. 43 of July 17, 1936, concerning the denial to American educational and philanthropic institutions in Syria and the Lebanon of customs privileges previously assured by agreement between the American and French Governments.

The Department notes the suggestion contained in your despatch under reference that a proposal be made to the French Government for an exchange of notes clarifying and specifying the privileges granted to American educational and philanthropic institutions in Syria and the Lebanon by the exchange of notes signed at Paris on November 2 and December 18, 1923, and by the note of March 10, 1931, of the French Ministry for Foreign Affairs, and requests you to submit as soon as practicable a draft of a proposed exchange of notes in accordance therewith.

In the preparation of this draft you are requested to discuss the matter further with the competent officials of the interested American institutions in Syria and the Lebanon in order to ascertain their views with regard to the provisions to be included in such an agreement. After these discussions have taken place you should consult with the French High Commissioner and endeavor to arrive at a mutually acceptable draft of the proposed arrangement concerning the matter. In this connection the Department would be prepared to give favorable consideration to an arrangement such as is suggested in the fifth paragraph of your despatch under reference.

Upon receipt of the draft of the proposed arrangement agreed upon by you and the French High Commissioner, a careful study will be made by the Department of the points involved therein with a view to instructing the Embassy at Paris to take appropriate steps to effect an exchange of notes with respect to the matter.

Very truly yours,

For the Secretary of State:
R. WALTON MOORE

690D.11241/40

The Consul General at Beirut (Marriner) to the Secretary of State

No. 123

BEIRUT, December 17, 1936.
[Received January 13, 1937.]

SIR: I have the honor to refer to the Department's instruction of September 12, 1936, concerning customs privileges on account of American educational and philanthropic institutions in Syria and the Lebanon, and to report that I have carried out the instructions therein contained to draft, in consultation with the High Commission, a proposed exchange of notes to effect the essential modifications in principle and practice which would establish these privileges in accordance with the American rights. The texts of three notes agreed on are attached,²⁸ typed double space and referred to as A, B and C.

Before discussing the matter with the authorities at the High Commission, I have had many conversations with the heads of the interested American institutions, namely, President Bayard Dodge and Treasurer George Stewart of the American University, as well as the Reverend James H. Nicol of the American Mission. Copies of the memoranda of conversations with these gentlemen, as well as a copy of a letter from President Dodge, giving his unqualified approval of the arrangements projected, are enclosed herewith. As a result of these conversations, I decided, in addition to the request for delayed payment on appeals in customs cases, to request the High Commission for a more liberal treatment of the importations for the scholastic institutions, in particular those of university grade, basing such a request on the fact of devaluation, as well as on the fact that institutions of university grade have greater need of importation of expensive material from abroad than institutions of secondary character.

Likewise, ever since the receipt of the Department's instruction on October 5th, I have kept in constant touch with the High Commissioner, Comte Damien de Martel, and the Secretary General of the High Commission, M. Meyrier, on this subject, urging them to consider the matter and settle the points of difference. On different occasions both the High Commissioner and M. Meyrier expressed their willingness to get at the matter as soon as possible, but begged me to defer the subject until French treaties with Syria and the Lebanon should be out of the way. The negotiation of that with the Lebanon was followed by disturbances which further delayed the consideration of this matter, as did also the preparation of the French case to place before the League of Nations in connection with the Turkish reactions in the Sandjak of Alexandretta. However, on December

²⁸ None of the enclosures mentioned in this despatch are printed. The draft texts here referred to were identical with the final exchange of notes.

6th, M. de Martel told me that the High Commission was ready to discuss the matter, and empowered M. Kieffer, Head of the Political Bureau, to come to an agreement with me on the subject.

On Wednesday morning, December 9th, I saw M. Kieffer at the High Commission by appointment, and a memorandum of our conversation is enclosed. In order to expedite matters, I presented him with the texts in English and an unofficial translation into French of three notes which appeared to me satisfactory in the premises, and we went over them together. M. Kieffer saw no objections in principle, but wished to consult the technicians of the customs regime, which he did, and then sent the head of that service, M. Roux, Inspector General, to see me on December 11th to draw up the exact texts to carry out the suggestions made. I agreed with M. Roux on texts which seemed to fulfill the American demands, and they are set forth in the memorandum of conversation of December 11th hereunto annexed. The last step in the negotiation which could take place in Beirut was completed today when I saw M. Kieffer at the High Commission at 10:30 A. M. to agree on slight modifications on the drafts of notes that I had submitted, called for by the method which the customs regime felt was more satisfactory to give effect to our requests. The substance of our conversation at this time is contained in a memorandum of even date attached hereto. The texts as finally agreed on are annexed as mentioned above.

As stated before, the American institutions involved are more than pleased with the modifications suggested, as it will mean an increase of the limits of free importation for the American University of at least 9000 Syrian pounds per year, and possibly more, and furthermore will remove burdensome difficulties with respect to appeals on customs cases. If any question should arise in the Department's mind as to the transmission through the Consulate General of an engagement taken by the President of the University or the heads of other educational, religious and philanthropic institutions, with respect to the eventual payment while customs question is under appeal, I wish to emphasize that the transmission of such an engagement involves no responsibility on the part of the Consulate General; that it would only occur in extremely few cases, for the University only, in view of the limit of 1000 pounds of duty set for the exercise of such a privilege, and that it is destined, from the point of view of the Mandate authorities, to avoid abuses of such a privilege by nationals of the Mandated States who are equally heads of educational, religious and philanthropic institutions (See enclosure No. 12).

I am sending one copy of this despatch by air mail to the Department, as well as to Paris, and the French High Commission is doing the same with its texts of the drafts in order that the matter may

be cleared up at an early date, as now that the decision has been arrived at here, the customs authorities are anxious to issue the necessary decree of revision in order to give the institutions involved the benefit of larger importations. M. Kieffer informs me that the moment a telegram is received from Paris that the exchange of notes has taken place, the decree will be issued and go into immediate effect. In response to my request, he likewise informed me that in the meantime the customs would try to interpret any questions arising in the spirit of the tentative agreement arrived at.

Respectfully yours,

THEODORE MARRINER

[This question was finally settled by an exchange of notes between the United States and France at Paris, February 18, 1937. See Executive Agreement Series No. 107, or 51 Stat. 279.]

**INQUIRY BY THE UNITED STATES REGARDING THE INCLUSION OF
THE SUBJECT OF ARCHAEOLOGICAL ACTIVITIES IN SYRIA IN THE
FRANCO-SYRIAN TREATY NEGOTIATIONS**

890D.927/24

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

No. 1293

WASHINGTON, April 27, 1936.

SIR: There is enclosed a copy of a letter dated April 14, 1936, together with copies of its enclosures,²⁹ received from Mr. C. R. Morey, Chairman of the Committee for the Excavation of Antioch and its Vicinity, regarding possible restrictions upon archaeological activities in Syria in consequence of the current negotiations³⁰ in Paris between the Syrian delegation and the French Government. Similar communications have been received from the Oriental Institute of the University of Chicago, the Worcester Art Museum, the Archaeological Institute of America, and Princeton University.

Provided you perceive no objection you are authorized to make informal inquiry of the appropriate authorities at the Foreign Office as to whether the question of archaeological activities in Syria or of the revision of the antiquities law of Syria is included in the questions to be discussed during the current negotiations in Paris between the Syrian delegation and the French Government.

Very truly yours,

For the Secretary of State:

WILLIAM PHILLIPS

²⁹ None printed.

³⁰ Looking toward the termination of the mandatory régime in Syria.

890D.927/37

The Consul General at Beirut (Marriner) to the Secretary of State

No. 17

BEIRUT, June 8, 1936.

[Received June 24.]

SIR: I have the honor to report that I discussed with Mr. Seyrig, Inspector General of Archaeology, the subject matter enclosed with the Department's instruction of April 27, 1936 (File No. 890D.927/24),³¹ enclosing a copy of an instruction to the American Ambassador in Paris,³² with respect to possible restrictions upon archaeological activities in Syria. Mr. Seyrig told me that he was very glad to know that the American Government had manifested its interest in this subject, as he had been informed that the Belgians and British had done likewise. He said that up to the present the Syrian authorities had shown themselves slightly more liberal in archaeological matters than the interested services in the Lebanon, and therefore he hoped that when this portion of the treaty should come under discussion the same liberalism might be continued. He said that this policy was illustrated by the fact that the regulations now in existence in Syria permitted the museum at Damascus to maintain a sales room for the disposition of duplicates, whereas in the Lebanon there was no such possibility and the Beirut museum, which is not even yet ready, will be choked by accumulations of duplicates. Should these items become available for sale they would serve the needs of many museums and universities and bring in a large revenue to the Governments here which might be utilized for further archaeological investigation.

Respectfully yours,

THEODORE MARRINER

890D.927/37

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

No. 1417

WASHINGTON, July 22, 1936.

SIR: With reference to the Department's instruction No. 1293 of April 27, 1936, relative to the inclusion of the subject of archaeological activities in Syria in the questions to be discussed during the current negotiations at Paris between the Syrian delegation and the French Government, it is requested that the Embassy report at an early date any action which may have been taken in accordance therewith.

Very truly yours,

For the Secretary of State:

FRANCIS B. SAYRE

³¹ Not printed.³² *Supra*.

890D.927/40

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

No. 2948

PARIS, August 6, 1936.
[Received August 17.]

SIR: I have the honor to acknowledge the receipt of the Department's instruction No. 1417 of July 22, 1936, directing the Embassy to report any action which may have been taken in accordance with the Department's instruction No. 1293 of April 27, 1936, relative to the inclusion of the subject of archaeological activities in Syria among the questions being discussed during the current negotiations at Paris between the Syrian Delegation and the French Government.

Upon receipt of the Department's instruction of April 27 an officer of the Embassy called upon an official of the Sous-Direction d'Afrique et de Levant at the Foreign Office and left with him an *aide-mémoire* stating, in effect, that eminent American archaeologists had brought to the attention of the Department their anxiety over rumors tending to indicate that certain restrictions might be placed upon archaeological activities in Syria in consequence of the current negotiations in Paris between the Syrian Delegation and the French Government, and that in view of the great interest of American archaeologists in this subject the Embassy had been directed to inquire informally of the Ministry of Foreign Affairs whether in fact the question of archaeological activities in Syria or the revision of the Antiquities Law in Syria were included among the questions to be discussed during these negotiations. At the same time the officer left with the Foreign Office a summary of the pertinent statements set forth in the first enclosure to the Department's instruction of April 27.

The official of the Foreign Office stated that archaeological excavations in Syria were in fact included among the subjects discussed with the Syrian Delegation at present in Paris and that he was very glad to have an expression of interest in the subject from the American Government as he had had similar inquiries from the British and the Belgians and that these exhibitions of interest in the matter by foreign governments would strengthen the hand of the Foreign Office in its negotiations with the Syrian Delegation. He said that the French Government was insisting upon the maintenance of the present regulations for an additional period of twenty years and upon the maintenance of a French citizen in the position of Director of Antiquities.

Upon the receipt of the Department's instruction of July 22 an officer of the Embassy again called at the Foreign Office and was informed that an agreement had not yet been reached upon the question of archaeological activities in Syria, but that the French Government intended to maintain its position of retaining the present regulations without material change.

The official of the Sous-Direction d'Afrique et de Levant expressed considerable impatience with the difficulties which had been encountered in connection with these negotiations which constantly appeared to approach termination but could not be completed because of new and impossible demands on the part of the Syrians. Although he would not go into detail regarding the difficulties being met, he said that the points giving the most trouble were the protection of the minorities and the related subject of stationing French troops in Syria. He was sanguine that these matters would be settled eventually and promised to inform the Embassy when the negotiations had been completed.

It appears that upon the completion of the negotiations here the Syrian Delegation must return to Syria and go before the country in general elections, after which the Government which is established will proceed towards the negotiation of a treaty with France based upon the agreements which have resulted from the present negotiations.

Respectfully yours,

EDWIN C. WILSON

[The subject of archaeological activities was included in the treaty negotiations. It was agreed to continue the present regime in regard to archaeological studies and research in Syria and the Lebanon. See French Ministry of Foreign Affairs, *Rapport à la Société des Nations sur la situation de la Syrie et du Liban (Année 1936)*, page 221, for Exchange of Letters No. 7, December 22, 1936, between France and Syria, and page 243 for Exchange of Letters No. 7, November 13, 1936, between France and the Lebanon.]

**MODIFICATION OF CERTAIN DISCRIMINATORY LEGISLATION BY THE
LEBANESE GOVERNMENT IN RESPONSE TO REPRESENTATIONS BY
THE UNITED STATES**

890E.1281/1

The Consul at Beirut (Steger) to the Secretary of State

No. 628

BEIRUT, January 13, 1934.

[Received February 6.]

SIR: I have the honor to enclose translations of legislative Decrees Nos. 65 and 66³³ of the Lebanese Government, relative to conditions to be required, after January 1, 1939, of persons desiring to be admitted to the practice of medicine or pharmacy in the Lebanese Re-

³³ For texts of these decrees see *Recueil des Lois et Décrets du Gouvernement de la République Libanaise, année 1933-34*, vol. 6-7, pp. 706 and 708, respectively.

public, and to express the opinion that these two decrees, taken in conjunction with Decree No. 1633³⁴ of March 1, 1933, a translation of which is also enclosed, constitute a discrimination against American citizens incompatible with the provisions of Article 11 of the Mandate.³⁵

The effect of these decrees is to prohibit the practice of medicine or pharmacy in the Lebanon, after November 1, 1939, and November 1, 1938, respectively, to any person who does not hold the Lebanese, Syrian, or French baccalaureate diploma or the degree of Bachelor of Arts of the American University of Beirut. Corresponding degrees from other countries, even though equivalent or superior to those specifically mentioned, appear to be excluded from recognition.

Since it is extremely improbable that any American physician or pharmacist, receiving his training in American institutions, would hold any of the degrees mentioned, such persons would be excluded from the right to practice their profession in the Lebanese Republic.

Inasmuch as it is hardly likely that an American would care to set up an individual practice of medicine or pharmacy in this country, this discrimination is of slight importance so far as the general independent practice of the professions is concerned. However, should the provisions of these decrees be literally applied, the practical effect would be to prevent American religious missions or educational and philanthropic institutions from engaging American physicians to carry on their work. The American University of Beirut, the ranking members of whose medical faculty are always predominantly American or European, would be especially affected.

In a note dated December 15, 1933, a copy of which is enclosed, I brought to the attention of the French High Commissioner the situation which might result from a strict application of these decrees, with the request that the steps be taken to ensure that American educational and philanthropic institutions shall not be limited in the choice of physicians whose services are required. I have now received from the High Commission a reply, of which a translation is enclosed, expressing the opinion that no *de jure* discrimination results from the decrees in question, despite the incontestable fact that the situation thus created does actually leave American physicians in a less favored position than those of Lebanese, Syrian, or French nationality.

The High Commission takes the standpoint that the list of degrees specifically acknowledged as equivalent to the Lebanese baccalaureate is not exclusive of all other diplomas, since the President of the Republic may at any time add to this list. Even if this interpretation

³⁴ *Recueil des Lois et Décrets* . . . , vol. 6-7, p. 712.

³⁵ The text of the French mandate for Syria and the Lebanon is quoted in the Franco-American convention signed at Paris, April 4, 1924, *Foreign Relations*, 1924, vol. I, p. 741.

be correct, which seems to me doubtful, this statement still appears to evade the issue and to place in the category of a courtesy, to be granted in the discretion of the Lebanese Government, what should be considered as a right guaranteed under the terms of the Mandate to citizens of the United States and of members of the League of Nations.

In connection with this matter, I have acted in concert with the British Consul General, who is desirous of safeguarding similar British interests. The reply received by the British Consul General to his note, which approached the question from a slightly different angle, was identical with that addressed to me.

As the evasive tenor of the note of the High Commission appears to indicate an unwillingness to take steps to rectify the situation, I have the honor to inquire whether the Department desires me to make further representations, or whether it is preferred that the matter be taken up through the American Embassy in Paris.

Respectfully yours,

C. T. STEGER

[Enclosure 1]

The American Consul at Beirut (Steger) to the French High Commissioner (De Martel)

The American Consul presents his compliments to His Excellency, the French High Commissioner, and desires to call attention to the fact that Legislative Decrees Nos. 65 and 66 of the Lebanese Government, dated January 5, 1933, contain provisions which, if literally interpreted, might seriously interfere with the work of certain American philanthropic institutions in the Lebanese Republic.

The effect of these decrees is to prohibit the practice of medicine in the Lebanon, after November 1, 1939, to any person who does not hold the Lebanese, Syrian, or French baccalaureate diploma or the degree of Bachelor of Arts of the American University of Beirut. Corresponding degrees from other countries, even though equivalent to those especially mentioned, appear to be specifically excluded from recognition.

Under these provisions, any American physician or pharmacist would be excluded from the right to practice his profession in the Lebanese Republic, since it is very improbable that a person receiving his medical training in the United States would hold any of the degrees mentioned.

More specifically, the practical effect would be to prevent American religious or educational missions from availing themselves of the services of physicians of any nationality other than Lebanese, Syrian, or

French. For instance, the American University of Beirut, the higher ranking members of whose medical faculty have always been predominantly American and European, would find it impracticable to exercise a free choice in engaging foreign specialists; and several religious missions which conduct hospitals or clinics would similarly be prevented from entrusting the direction of these institutions to American physicians.

It is of course realized that the purpose of the decrees in question is the very proper one of raising the educational standards of the medical profession in the Lebanon, and that a discrimination against foreign physicians, or a limitation of the freedom of action of American philanthropic institutions, is not intended. Nevertheless, Mr. Steger would appreciate it if M. de Martel would carefully consider the unfavorable situation which, as outlined above, would result from a strict application of the provisions of these decrees, as well as the possibility of taking measures which will ensure the exemption from these provisions of medical men appointed to the staffs of American philanthropic and educational institutions.

[BEIRUT,] December 15, 1933.

[Enclosure 2—Translation]

*The Secretary General of the French High Commission (Lagarde)
to the American Consul at Beirut (Steger)*

No. 164

BEIRUT, January 8, 1934.

MR. CONSUL: In a note dated December 15th, last, you pointed out the objections in principle called forth on your part by the provisions of legislative decrees 65, 66, and 67/L³⁶ of the President of the Republic, regulating the liberal professions.

These regulations, instituted with the double purpose of raising the intellectual level and of reducing the number of candidates for the liberal professions, require of the latter the possession of the diploma of the Lebanese baccalaureate or of an equivalent diploma.

The degrees admitted as being equivalent by decree No. 1633 are:

1. The Syrian baccalaureate
2. The French baccalaureate
3. The degree of Bachelor of Arts of the American University of Beirut.

The equivalence of the Syrian baccalaureate requires no discussion.

The Lebanese Government has admitted the French baccalaureate in view of the fact that French is an official language in the Lebanon.

³⁶ For text of 67/L, see *Recueil des Lois et Décrets* . . . , vol. 6-7, p. 710.

It has also admitted the diploma of Bachelor of Arts of the American University on account of the excellent education acquired in this establishment by numerous Lebanese in the past seventy years.

While reserving an opinion with regard to the application of Article 11 of the Mandate on such matters, I believe these new regulations cannot be criticized on the basis of this article: They do not establish among candidates for the liberal professions any discrimination on the basis of their nationality or of the nationality of the institutions where the latter carried out their studies. This is all which is required by the principle of economic equality. It requires only an equality consisting, as in this case, of the establishment of uniform rules applicable to all. But it is not incompatible with *de facto* inequalities resulting from the differences produced by the application of uniform regulations to different situations.

It is quite incontestable that the principle of equivalence of diplomas is in strict conformity with equality. In its application *de facto* inequalities must perforce occur, by virtue of the Act of the Mandate itself. Article 16, by the terms of which "French and Arabic shall be the official languages in Syria and the Lebanon", authorizes the mandated States to consider that diplomas granted by institutions not giving instruction in one of these languages are not really equivalent to the local diplomas, it being fundamentally impossible for their holders to have a command of local technical terminology—a thing which might present serious difficulties.

Aside from the above, it is well to observe that the list of degrees admitted to be equivalent is not exclusive. In a matter where the terms of the Mandate appear to me to grant to the local governments a certain liberty of interpretation, I have no doubt that, should the case arise, the Lebanese Government will show itself disposed to examine in a favorable light the matter of admitting as equivalent certain American diplomas, on condition, of course, that Lebanese diplomas have the benefit of reciprocity.

Please accept [etc.]

LAGARDE

890E.1281/2

The Consul at Beirut (Steger) to the Secretary of State

No. 632

BEIRUT, January 23, 1934.

[Received February 8.]

SIR: I have the honor to refer to my despatch No. 628 of January 13, 1934, reporting what appears to be a discrimination against foreign physicians and pharmacists in the Lebanese Republic, and especially

to the penultimate paragraph, in which I stated that the British Consul General had made representations to the French High Commission regarding the matter.

After receipt of the reply of the High Commission, which, as previously reported, was identical with that addressed to me, the British Consul General reported the matter to the British Foreign Office. He has now been informed that the Foreign Office considers the arguments advanced by the French High Commission as unsound and evasive, and that the British Ambassador at Paris has been instructed to present the views of the British Government on the subject to the French Ministry of Foreign Affairs.

Respectfully yours,

C. T. STEGER

890E.1281/2

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

No. 367

WASHINGTON, April 20, 1934.

SIR: I enclose copies of two despatches, No. 628 of January 13 and No. 632 of January 23, 1934, from the Consulate General at Beirut with respect to Legislative Decrees Nos. 65 and 66 of January 5, 1933, issued by the Lebanese Government relative to the conditions required of persons desiring to be admitted to the practice of medicine or pharmacy in the Lebanese Republic. Careful consideration has been given to the texts of the above-mentioned decrees and the Department is convinced that they are discriminatory and violative of the provisions of Article 11 of the French Mandate for Syria and the Lebanon, to the benefits of which the United States and its nationals are entitled under the provisions of the American-French Convention signed at Paris on April 4, 1924.⁸⁷ Accordingly you are requested to address a note to the Foreign Office substantially as follows:

"The Government of the United States is of the opinion that the provisions of Article 1 of Legislative Decrees Nos. 65 and 66 dated January 5, 1933, issued by the Government of the Lebanese Republic, requiring applicants for admission to practice medicine and pharmacy to 'possess the diploma of a Lebanese baccalaureate or a diploma officially recognized as equivalent,' are unnecessarily restrictive for the accomplishment of their legitimate purposes. My Government likewise considers that the provisions of those Articles, in conjunction with the provisions of Article 2 of each decree which empower the Lebanese Chief of State, at the suggestion of the Director of Public Instruction and Fine Arts, to determine what degrees are 'equivalent' to the Lebanese baccalaureate, place clearly excessive authority in those officials the exercise of which is not compatible with the obligations of the Mandatory under Article 11 of the Mandate for Syria

⁸⁷ *Foreign Relations*, 1924, vol. I, p. 741.

and the Lebanon to 'see that there is no discrimination in Syria or the Lebanon against the nationals, including societies and associations, of any State Member of the League of Nations as compared with its own nationals, including societies and associations, or with the nationals of any other foreign state in matters concerning . . . the exercise of professions. . . ?'

"My Government is also of the opinion that Decree No. 1633 of March 1, 1933, issued by the Government of the Lebanese Republic and providing that the only foreign degrees recognized as equivalent to the Lebanese baccalaureate are degrees of French institutions, is so clearly discriminatory in favor of French institutions and against all other foreign institutions that no discussion of the question is deemed necessary.

"Under the circumstances my Government cannot consider as adequate the reply made by the French High Commissioner at Beirut under date of January 8, 1934, to the note of December 15, 1933, in which the American Consul at Beirut invited attention to the discriminatory effect upon American nationals of the above mentioned decrees. Moreover, the suggestion made in the High Commissioner's reply that recognition might upon request be granted to certain American diplomas 'on condition of course that Lebanese diplomas have the benefit of reciprocity' is obviously improper in view of the fact that by the provisions of Article 2 of the American-French Convention of April 4, 1924, the United States and its nationals, including societies and associations, are unconditionally entitled to all rights accorded members of the League of Nations.

"My Government therefore feels confident that the French Government will effect the modification of Decrees Nos. 65 and 66 of the Government of the Lebanese Republic so as to insure that baccalaureate degrees of reputable and qualified American institutions of learning shall not be placed in a less favorable position than similar institutions in France and that the recognition of this right shall not be dependent either upon reciprocal treatment or upon the arbitrary decision of the local authorities."

The Embassy is requested to advise the Department of the results of its representations in this matter.³⁸

Very truly yours,

For the Secretary of State:

WILLIAM PHILLIPS

890E.1281/10

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

No. 2657

PARIS, April 1, 1936.

[Received April 15.]

SIR: With reference to the Department's Instruction of February 11, 1936 (File No. 890E.1281/7),³⁹ regarding the practice of medicine

³⁸ A note based upon this instruction was addressed to the French Minister for Foreign Affairs on May 1, 1934. Though the matter was brought several times to the attention of the Foreign Office, no reply was received before 1936 other than that the subject was being studied.

³⁹ Not printed.

and pharmacy in the Lebanese Republic, I have the honor to report that the French High Commissioner to Syria, who is at present on leave of absence in France, received Mr. Marriner, Counselor of Embassy, on Saturday, March 28, by appointment, and among other subjects touched briefly on the situation concerning the legislation in Lebanon regarding the practice of medicine and pharmacy in that republic.

M. de Martel said that the difficulties were engendered by the very great number of Syrian graduates of the universities of the region, including the American Presbyterian College at Beirut, who had taken degrees in medicine and pharmacy and were naturally opposed to foreign competition. He said that the tendency of the Syrian peoples to go in for the liberal professions had caused the gravest amount of overcrowding of all of them in the French mandate, with consequent jealousy of either doctors or lawyers coming from the outside. He said, however, that the Government of the Lebanon was studying the question and indicated that in any legislation it was certain that France would receive no other or more favorable treatment than any other nation.

To-day, I received a note, signed on behalf of the Minister for Foreign Affairs by M. Bargeton, Director of Political and Commercial Affairs, stating that, according to information furnished by the French High Commissioner to Syria, since the reestablishment of the constitutional regime in the Lebanese Republic, Legislative Decrees Nos. 65 and 66 of January 5, 1933, relative to the conditions required of persons desiring to practice medicine or pharmacy in Lebanon, cannot be modified except by a law voted by the Lebanese Parliament. It is likewise stated in this note that the Government of the Lebanon proposes to present to the Chamber there at its next session a draft of a law modifying the texts of 1933.

A copy and translation of this note, dated March 31, 1936, are transmitted herewith.⁴⁰

Respectfully yours,

JESSE ISIDOR STRAUS

890E.1281/11

The Counselor of Embassy in France (Wilson) to the Secretary of State

No. 2685

PARIS, April 16, 1936.

[Received May 1.]

SIR: I have the honor to acknowledge the receipt of the Department's instruction No. 1252 of March 30, 1936,⁴⁰ in regard to the practice of medicine and pharmacy in the Lebanese Republic, and the practice of medicine and dentistry in the Cameroons and in Togoland.

⁴⁰ Not printed.

Prior to the receipt of the Department's instruction under acknowledgment, a note dated April 6, 1936, a copy of which is enclosed,⁴¹ had been addressed to the Minister for Foreign Affairs requesting that measures be taken to remove the discriminative features of the decree of January 18, 1936. A copy of that decree taken from the *Journal Officiel* of January 22, 1936, is enclosed.⁴²

Also, under date of March 17, 1936, a further note, a copy of which is enclosed,⁴¹ had been addressed to the Ministry for Foreign Affairs, quoting in full the Embassy's note of May 1, 1934,⁴³ regarding the legislative decrees issued by the Lebanese Republic governing the practice of medicine and pharmacy, and again expressing the concern of the American Government over this discrimination against American nationals and its confidence that the French Government would take the measures which might be necessary to effect the modification of the two decrees so as to insure that the baccalaureate degrees of reputable and qualified American institutions of learning would not be placed in a less favorable position than those of similar institutions in France.

Upon the receipt of the Department's instruction under acknowledgment, a further note written in compliance therewith, under date of April 16, 1936, has been addressed to the Ministry of Foreign Affairs. A copy of this most recent note is also enclosed.⁴¹

Respectfully yours,

EDWIN C. WILSON

890E.1281/14

The Consul General at Beirut (Marriner) to the Secretary of State

No. 5

BEIRUT, May 15, 1936.

[Received June 11.]

SIR: I have the honor to refer to despatch No. 628 of January 13, 1934 from the consul-in-charge, and to despatch No. 2657 from the Embassy at Paris dated April 1, 1936 with regard to the Legislation concerning the practice of Medicine and Pharmacy in Lebanon. It will be recalled that after certain talks with M. de Martel, French High Commissioner in Syria, the Foreign Office at Paris confirmed his statement to me that an effort would be made to have the necessary legislation passed at Beirut to correct the situation, and enable

⁴¹ Not printed.

⁴² Not reprinted.

⁴³ Not printed; see footnote 38, p. 492.

American physicians and pharmacists to practice, and more particularly to teach, without being possessors of locally acquired bachelors degrees.

In the course of my first calls on local officials, especially when I saw M. Eddé, President of the Lebanese Republic, the Secretary of State, M. Tabet, and the Delegate of the High Commission to the Lebanese Government, M. Lafond, I stressed the mutual interest we had that nothing should be done to hamper the access of Americans to teach in the University here.

The Secretary of State told me that the necessary amending law had recently passed but had not yet been promulgated. I expressed the hope that this would be done before the summer holidays set in. When I saw M. Lafond on the thirteenth it was still in abeyance, but apparently he obtained the signature of President Eddé that afternoon, and communicated it to me today in accordance with his promise.

The new texts change Article One of Decrees Numbers 65/L and 66/L, which read *mutatis mutandum* as follows:

“Art. 1.—Beginning on November 1, 1939, no person may be admitted to exercise the profession of physician (pharmacist) in the territory of the Lebanese Republic if he does not possess the diploma of the Lebanese baccalaureate or a diploma officially recognized as equivalent,”

to read:

“Beginning November 1, 1939, physicians (pharmacists) holding diplomas of one of the Medical Schools of Beirut or Damascus must, in order to be admitted to the practice of the profession of medicine (pharmacy) in the territory of the Lebanese Republic, be in possession of the Lebanese baccalaureate or of a diploma officially recognized as equivalent”.

The new texts thus eliminate all discrimination against persons who have pursued their studies in foreign universities, making these laws solely applicable to doctors and pharmacists holding medical degrees or certificates in pharmacy from any of the faculties of Beirut or Damascus.

I am enclosing as of possible interest a translation of the governmental statement of reasons⁴⁴ submitted to the Parliament at the time that the alteration in text was requested.

Respectfully yours,

THEODORE MARRINER

⁴⁴ Not printed.

INSISTENCE BY THE UNITED STATES ON BEING CONSULTED REGARDING THE POSSIBLE TERMINATION OF THE MANDATORY REGIME IN SYRIA AND THE LEBANON⁴⁶

890D.01/420a

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

No. 1440

WASHINGTON, August 4, 1936.

SIR: You will recall that Article 6 of the American-French Convention signed at Paris on April 4, 1924,⁴⁷ regarding the rights of the two Governments and their respective nationals in Syria and the Lebanon, reads as follows:

“Nothing contained in the present convention shall be affected by any modification which may be made in the terms of the mandate as recited above unless such modification shall have been assented to by the United States.”

In view of the current negotiations between the French Government and a Syrian delegation, looking toward the termination of the mandatory régime and the entrance of Syria, and possibly the Lebanon, into the League of Nations as independent states, it becomes important to make provisions for the future respecting the rights of the United States and its nationals in those states under the new conditions which will prevail. I therefore desire you to bring this matter to the attention of the Foreign Office and to inquire what arrangements the French Government contemplates with respect to consultation with the United States concerning the termination of the Mandate, the disposition of the territories of Syria and the Lebanon, and the conditions under which those territories are to be administered upon the cessation of the mandatory régime.

In this connection I enclose copies of certain correspondence exchanged with the British Government in 1932 concerning the termination of the mandatory relationship between Great Britain and Iraq. This correspondence was reproduced in the *Official Journal* of the League of Nations, January, 1933.⁴⁸ The position of the United States with respect to Iraq differed from our position with respect to Syria and the Lebanon, for in the former case this Government had, by the terms of Article 7 of the Tripartite Convention of January 9, 1930, between the United States, Great Britain and Iraq,⁴⁹ waived its right to be consulted with respect to the termination of the mandatory relationship between Great Britain and Iraq (referred to in the Con-

⁴⁶ For previous correspondence concerning American treaty rights in Syria and the Lebanon, see *Foreign Relations*, 1924, vol. I, pp. 730 ff.

⁴⁷ *Ibid.*, p. 741.

⁴⁸ See also *ibid.*, 1932, vol. II, pp. 672 ff.

⁴⁹ *Ibid.*, 1930, vol. III, p. 302.

vention as "the special relations existing between His Britannic Majesty and His Majesty the King of Iraq"). Article 7 of the Tripartite Convention, referred to above, reads as follows:

"The present Convention shall be ratified in accordance with the respective constitutional methods of the High Contracting Parties. The ratifications shall be exchanged in London as soon as practicable. The present Convention shall take effect on the date of the exchange of ratifications, and shall cease to have effect on the termination of the special relations existing between His Britannic Majesty and His Majesty the King of Iraq in accordance with the Treaty of Alliance and the Treaty of 1926.

"On the termination of the said special relations, negotiations shall be entered into between the United States and Iraq for the conclusion of a treaty in regard to their future relations and the rights of the nationals of each country in the territories of the other. Pending the conclusion of such an agreement, the nationals, vessels, goods and aircraft of the United States and all goods in transit across Iraq, originating in or destined for the United States, shall receive in Iraq the most-favoured-nation treatment; provided that the benefit of this provision cannot be claimed in respect of any matter in regard to which the nationals, vessels, goods and aircraft of Iraq, and all goods in transit across the United States, originating in or destined for Iraq, do not receive in the United States the most-favoured-nation treatment, it being understood that Iraq shall not be entitled to claim the treatment which is accorded by the United States to the commerce of Cuba under the provisions of the Commercial Convention concluded by the United States and Cuba on the 11th day of December, 1902,⁵⁰ or any other commercial convention which may hereafter be concluded by the United States with Cuba or to the commerce of the United States with any of its dependencies and the Panama Canal Zone under existing or future laws, and that the United States shall not be entitled to claim any special treatment which may be accorded by Iraq to the nationals or commerce of neighbouring States exclusively."

No similar provision appears in the American-French Convention of April 4, 1924, the position of the United States with respect to the termination of the Mandate in Syria and the Lebanon being governed by Article 6 of that Convention, quoted in the first paragraph of this instruction. This Article itself, to say nothing of the well established position of the United States toward the question of Mandates, as revealed by published correspondence with several mandatory governments, establishes beyond a doubt that this Government is entitled to be consulted not only with respect to the termination of the French Mandate over Syria and the Lebanon but also with respect to the conditions under which the territory is to be administered upon the cessation of the mandatory relationship. In this latter connection your particular attention is invited to the final paragraph of the *Aide-*

⁵⁰ *Foreign Relations*, 1903, p. 375.

Mémoire presented on July 8, 1932, to the British Foreign Office by the American Embassy at London,⁵¹ as reproduced in the enclosed documents.⁵²

It appears unnecessary further to stress the importance of this question which, not only in the case of Syria and the Lebanon but also in other cases of mandated territories, affects the important interests of the United States. I should be appreciative, therefore, if you would give this matter your close attention and advise me promptly of the results of your preliminary discussions with the French Government. Upon the result of those discussions will depend the nature of further instructions to be sent to you in this matter.

Very truly yours,

For the Secretary of State:

WILLIAM PHILLIPS

890D.01/423

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

No. 3021

PARIS, August 27, 1936.

[Received September 8.]

SIR: I have the honor to refer to your Instruction No. 1440 of August 4, 1936, regarding the negotiations between the French Government and a Syrian delegation looking toward the termination of the mandatory régime and the entrance of Syria, and possibly the Lebanon, into the League of Nations as independent states, and requesting that the matter be brought to the attention of the French Government with pertinent inquiries as to the arrangements contemplated for consultation with the United States regarding the termination of the Mandate, the disposition of the territories in question and the conditions under which these territories would be administered upon the cessation of the mandatory régime.

I called on August 19 on M. de Saint Quentin, Chief of the Africa-Levant Section of the Foreign Office, and discussed the matter with him, leaving with him an *Aide-Mémoire*, a copy of which is enclosed herewith. M. de Saint Quentin said that the Foreign Office had not yet given any detailed consideration to the matter of consultation with other Powers, that the negotiations going on with the Syrian delegation were for the purpose of drawing up a treaty which would be signed after elections had taken place in Syria and the setting up of a parliamentary government, and it would probably be two or three years before matters would progress so far as to permit of the entrance of Syria, and possibly the Lebanon, into the League of Nations. He said, however, that it was of course in the mind of the French Gov-

⁵¹ See *Foreign Relations, 1932*, vol. II, p. 678, footnote 11.

⁵² Enclosures not reprinted.

ernment to communicate at the appropriate time the text of the treaty reached with Syria to the League of Nations and also to the United States. He said that, without wishing to express a final view, he supposed that the same procedure would be followed vis-à-vis the United States respecting Syria and the Lebanon as had been followed by Great Britain in the case of Iraq. I took occasion, in this connection, to explain to M. de Saint Quentin the difference in the position of the United States with respect to Iraq and our position with respect to Syria and the Lebanon, as set out in the Department's Instruction under reference.

I have now received a memorandum from the Foreign Office, dated August 25, 1936, in reply to the *Aide-Mémoire* which I left with M. de Saint Quentin; copies in French and an office translation of this memorandum are transmitted herewith.

Respectfully yours,

EDWIN C. WILSON

[Enclosure 1]

The American Embassy to the French Ministry for Foreign Affairs

AIDE-MÉMOIRE

In view of the current negotiations between the French Government and a Syrian delegation, looking toward the termination of the mandatory régime and the entrance of Syria, and possibly the Lebanon, into the League of Nations as independent states, it becomes important to make provision for the future respecting the rights of the United States and its nationals in those states under the new conditions which will prevail. The Government of the United States, therefore, desires to bring this matter to the attention of the French Government and to inquire what arrangements the French Government contemplates with respect to consultation with the United States concerning the termination of the Mandate, the disposition of the territories of Syria and the Lebanon, and the conditions under which those territories are to be administered upon the cessation of the mandatory régime.

In connection with this matter, reference is made to Article 6 of the Convention between the United States and France, signed at Paris on April 4, 1924, regarding the rights of the two Governments and their respective nationals in Syria and the Lebanon, which reads as follows:

“Nothing contained in the present convention shall be affected by any modification which may be made in the terms of the mandate as recited above unless such modification shall have been assented to by the United States.”

PARIS, August 19, 1936.

[Enclosure 2—Translation]

The French Ministry for Foreign Affairs to the American Embassy

PARIS, August 25, 1936.

In an *Aide-Mémoire* dated the 19th of this month the Embassy of the United States of America, in view of the current negotiations between the Ministry for Foreign Affairs and the Syrian Delegation, was good enough to inquire what arrangements the French Government contemplates with respect to consultation with the Government of the United States concerning the termination of the Mandate and the consequences of this termination.

The foregoing *Aide-Mémoire* refers to Article 6 of the Franco-American Convention of April 4, 1924.

In reply to this *Aide-Mémoire*, the Ministry for Foreign Affairs has the honor to inform the Embassy of the United States of America that the informal negotiations at present in course with the Syrian Delegation have as their essential object the preparation of official negotiations which can only be opened after the Syrian elections and the constitution at Damascus of a parliamentary government.

At the close of these official negotiations and after the ratification of the agreements which will mark their conclusion, the text of these agreements will be communicated to the League of Nations. The French Government intends, at the same time, to communicate the text thereof to the Government of the United States of America.

Without awaiting, however, this communication, the Ministry for Foreign Affairs is already in a position to inform the Embassy of the United States that the Franco-Syrian and Franco-Lebanon treaties will be closely inspired by the Anglo-Iraq Treaty of 1932 [1930].⁵³ In conformity with the Iraq precedent, the two treaties will include a transfer clause to the Syrian Government of the rights and obligations resulting from any treaties, conventions or other international acts concluded by the French Government as regards Syria, or in its name.

890D.01/430 : Telegram

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

WASHINGTON, November 3, 1936—3 p.m.

442. Following is the text of telegram dated October 30 from Consul General at Beirut:

“Negotiation treaty between France and Lebanon proceeding rapidly. An instrument practically identical with that between

⁵³ Apparently a reference to the Anglo-Iraq Treaty, June 30, 1930; for text, see British Cmd. 3797, Iraq No. 15 (1931): *Treaty of Alliance, etc.*, or League of Nations Treaty Series, vol. cxxxii, p. 363.

France and Syria may be signed here within a few days. I have informally called the attention of the High Commissioner who is head of the French delegation to substance of Department's instruction No. 1440 of August 4th to Paris. Having received no instructions on the subject from Quai d'Orsay M. de Martel will be glad to have it brought officially to his attention. Kindly cable instructions."

The Department's instruction 1440 of August 4 of course applied to the Lebanon as well as to Syria and the Foreign Office note of August 25 enclosed with your despatch 3021, August 27, likewise appears to apply to both territories. However, if you have any doubt on that point or if you consider that our interests are likely to be adversely affected because of M. de Martel's lack of instructions regarding our position please bring the matter to the attention of the Foreign Office.

HULL

890D.01/430 : Telegram

The Secretary of State to the Consul General at Beirut (Marriner)

WASHINGTON, November 3, 1936—3 p.m.

Your October 30, 1 p.m. has been repeated to the Ambassador, Paris,⁵⁴ with instructions to bring the matter to the attention of the Foreign Office if he considers that the *Aide-Mémoire* exchanged between the Embassy and the Foreign Office on August 19 and August 25 could be construed as not applying to the Lebanon or if he believes our interests would be adversely affected by M. de Martel's lack of instructions respecting our position.

Accordingly it would appear unnecessary and possibly undesirable to communicate officially with the High Commissioner in this matter but the Department has no objection to your furnishing him informally with copies of or extracts from pertinent documents.

HULL

890D.01/437

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

No. 77

PARIS, November 5, 1936.

[Received November 18.]

SIR: I have the honor to refer to your telegram No. 442 of November 3, 3 p.m., with regard to Syria and the Lebanon.

There was no doubt in our mind that the Foreign Office memorandum of August 25, 1936, applied to both Syria and the Lebanon; and we were of the opinion that the fact that M. de Martel had received

⁵⁴ See *supra*.

no instructions from the Quai d'Orsay regarding the Embassy's *Aide-Mémoire* of August 19, 1936, was probably due to the circumstances that his rôle was primarily that of negotiator with Syria and the Lebanon, the matter of consultation with the Government of the United States concerning the termination of the Mandate, et cetera, being a matter to be dealt with by the Quai d'Orsay itself. Nevertheless, in order to be doubly sure, Mr. Wilson of the Embassy called this morning upon M. de Saint-Quentin and informed him of the substance of Mr. Marriner's telegram to the effect that M. de Martel had received no instructions on the subject from the Quai d'Orsay and would be glad to have the point of view of the United States Government brought officially to his attention. M. de Saint-Quentin confirmed the view which we held, as expressed hereinabove, namely, that the Foreign Office memorandum of August 25 applies to both Syria and the Lebanon. M. de Saint-Quentin said that he did not know why the Embassy's *Aide-Mémoire* had not been communicated to M. de Martel for his information, as M. de Martel was in Paris at the time the *Aide-Mémoire* was left at the Foreign Office, but he presumed that it was because of the fact that the question of consultation between the French and American Governments regarding the termination of the Mandate, et cetera, was one to be dealt with by the Quai d'Orsay rather than by the High Commissioner in Syria. He said that there was no possibility that our interests could in any way be adversely affected because of M. de Martel's lack of instructions regarding our position, adding that he would in any case transmit at once copies of the Embassy's *Aide-Mémoire* of August 19 and the Foreign Office memorandum of August 25 to M. de Martel.

Mr. Wilson mentioned to M. de Saint-Quentin that a copy of the Foreign Office memorandum of August 25 had been transmitted to the Department of State and that doubtless the Embassy would receive further instructions from the Department regarding this matter.

Respectfully yours,

For the Ambassador:
EDWIN C. WILSON

TURKEY

CONFERENCE AT MONTREUX FOR REVISION OF THE REGIME OF THE STRAITS, JUNE 22–JULY 20, 1936. ASSURANCE BY TURKEY OF AMERICAN PARTICIPATION IN BENEFITS OF THE CONVENTION SIGNED JULY 20, 1936¹

767.68119/897

Memorandum by the Secretary of State

[WASHINGTON,] April 11, 1936.

The Ambassador of Turkey² called and handed me a paper, or memorandum, giving this Government what purports to be a copy, in French, of the representations that the Turkish Government is making to the parties³ to the Lausanne Treaty, having for its object the fortification by Turkey of the Dardanelles.

I thanked the Ambassador, and added that while this Government is not a party to the Lausanne Treaty it is naturally interested in all important phases of world affairs, including developments in the Ambassador's part of the world, and that my Government appreciates the courtesy of his Government in giving us at this time a copy of its representations as aforesaid.

C[ORDELL] H[ULL]

[Annex—Translation]

Note of April 10, 1936, From the Turkish Government to the Parties to the Lausanne Treaty of 1923

In 1923, when Turkey consented, at Lausanne, to sign the Straits Convention establishing liberty of passage and demilitarization, the

¹ For previous correspondence, see *Foreign Relations*, 1934, vol. II, pp. 894 ff.; *ibid.*, 1935, vol. I, pp. 1026 ff.

The minutes of the Conference are printed in Montreux, Conference on the Régime of the Straits, 1936, *Actes de la Conférence de Montreux concernant le régime des Détroits, 22 juin–20 juillet 1936; Compte Rendu des Séances Plénières et Procès-verbal des Débats du Comité Technique* (Liège, Belgique, 1936). See also British Cmd. 5249, Turkey No. 1 (1936): *Convention Regarding the Régime of the Straits, with correspondence relating thereto*; League of Nations Treaty Series, vol. CLXXIII, p. 213; Department of State, *The Problem of the Turkish Straits*, by Harry N. Howard (Washington, Government Printing Office, 1947), pp. 1–12.

² Mehmet Munir Ertegun.

³ Bulgaria, France, Greece, Italy, Japan, Rumania, Union of Soviet Socialist Republics, United Kingdom, and Yugoslavia; for text of treaty signed at Lausanne, July 24, 1923, see League of Nations Treaty Series, vol. XXVII, p. 115.

general situation of Europe, from the political and military points of view, presented an aspect totally different from that which she presents today.

Europe was moving towards disarmament and her political organization was to be based solely on the immutable principles of law sanctioned by international engagements. Land, sea and air forces were much less formidable and their tendencies were in the direction of reduction. At that time Turkey signed the respective clauses of the Straits Convention with the assurance given her by Article 18 which had just added, to the guarantee of Article 10 of the Covenant of the League of Nations,⁴ the engagement that the signatories and, in any case, four great Powers undertook to assume jointly and by all means decided upon for that purpose by the Council of the League, the defense of the Straits when menaced.

Since then the situation which existed in the Black Sea has come to present an aspect of concord reassuring in every way, while uncertainty has settled little by little over the Mediterranean, Naval Conferences have shown a development in the direction of rearmament, and maritime shipyards will soon pour into the sea ships of a power never reached before. In the domain of the air, the curve is dizzily rising, and continental and insular fortifications are constantly multiplied.

During this complete change of conditions the only guarantee which was to have prevented entire insecurity of the Straits has just disappeared in its turn, and while the most interested Powers proclaim the existence of a threat of a general conflagration, Turkey, at her most vulnerable point, finds herself exposed to the worst dangers without any counterpoise to that disquieting insecurity.

In acceding to the pressing requests which were addressed to her, Turkey accepted the demilitarization of the Straits at that time entirely occupied by foreign forces, after having long weighed, under the existing conditions, the value of the minimum guarantees which were granted to her, "in order that the demilitarization of the Straits and of the contiguous zones shall not constitute an unjustifiable danger to the military security of Turkey."

To Article 18 of the Convention which sanctioned the security guarantee indissolubly linked to the ensemble of the clauses governing the régime of the Straits, the signatories attached such great importance that they solemnly affirmed that the guarantee in question formed an integral part of the clauses of demilitarization and of freedom of passage.

⁴ *Treaties, Conventions, etc., Between the United States of America and Other Powers, 1910-1923* (Washington, Government Printing Office, 1923), vol. III, p. 3336.

This is equivalent to saying that without an effective, practical and efficacious assurance there could not have been imposed on Turkey a diminution of sovereignty over a part of her territory the security of which is indispensable to that of the whole country.

It is likewise obvious that if this guarantee becomes inoperative or uncertain the equilibrium of the whole Convention is destroyed to the prejudice of Turkey and to the prejudice of the peace of Europe.

Now, the political crises have clearly demonstrated that the present mechanism of collective guarantee goes into motion too slowly and that a tardy decision is of such a character as to cause the loss, in most cases, of the benefit of an international action. It is for this reason that Turkey, like many other countries at the present time, could not, in 1923, content herself with the collective guarantee which the Covenant would have assured to her as soon as she became a member of the League of Nations, that she considered insufficient the collective guarantee of all the signatories of the Straits Convention and that only the joint guarantee of the four great Powers seemed to her capable of assuring, under the conditions then prevailing, the minimum of security indispensable to her territorial integrity.

But if that minimum itself is weakened or rendered problematic by political and military circumstances entirely different from those existing when it was established, the Government of the Republic cannot, without rendering itself guilty of grave negligence, expose the whole country to a sudden and irreparable attack (*coup de main*).

The position of the guarantors of the security of the Straits with respect to the League of Nations, the special circumstances which render at least doubtful the military and effective collaboration of those guarantors as regards the objective assigned to them, are factors which have overturned the general economy of the 1923 Convention.

Today it cannot be affirmed that the security of the Straits is still assured by a real guarantee and Turkey cannot be asked to remain indifferent to the possibility of a dangerous default.

It should be added to these considerations that the Straits Convention only mentions the states of peace and war, Turkey being a neutral or belligerent in this latter case, without contemplating the possibility of a special or general threat of war and permitting Turkey to then take steps for her legitimate defense. Now, it is fully demonstrated today that the most delicate phase of an external danger is precisely that phase of menace, there being a possibility that a state of war might supervene unexpectedly and without any formality.

This lacuna can by itself deprive the guarantees envisaged of their efficacy whatever may be the value of the latter.

From the beginning of its existence, the Turkish Republic has marked out for itself a policy of peace and understanding the realization of which in all fields has not failed to impose upon her sacrifices which have often been heavy.

The Turkish Government has shown under the many circumstances which have presented themselves during the last decade a spirit of conciliation, of fidelity to its engagements and of sincere attachment to the cause of peace which has been appreciated by all the Powers.

The security which Turkey has always assured to others she has a right to claim for herself.

Circumstances independent of the will of the signatories of Lausanne have rendered inoperative clauses laid down in complete good faith, and as the stake is the existence of Turkey and the security of all her territory, the Government of the Republic may be led to take before the nation the responsibility incumbent upon it by adopting measures dictated by the imperious necessity of circumstances.

Taking into view the circumstances set forth above and believing with good reason that the provisions of Article 18 of the Straits Convention referring to a joint guarantee of the four great Powers have become uncertain and inoperative and that they no longer can in practice protect Turkey against a foreign danger to her territory, the Government of the Republic has the honor to inform the Powers which took part in the negotiations of the Straits Conventions that it is ready to set on foot *pourparlers* for the purpose of arriving promptly at the conclusion of accords intended to regulate the régime of the Straits under conditions of security indispensable to the inviolability of Turkish territory, and in the most liberal spirit towards the constant development of commercial navigation between the Mediterranean and the Black Sea.

767.68119/905

The Ambassador in Turkey (MacMurray) to the Secretary of State

No. 20

ISTANBUL, April 14, 1936.

[Received May 1.]

SIR: Referring to my telegram No. 11 of April 11, 1:00 p.m.,⁵ I have the honor to enclose herewith a copy of the note addressed by the Turkish Government on April 10 to the governments that had participated in the negotiation of the Straits Convention concluded at Lausanne on May [July] 24, 1923. The text of this note had been communicated at Ankara, on April 10, by the Minister for Foreign Affairs (Dr. Tevfik Rüştü Aras) to Mr. Shaw,⁶ under the circum-

⁵ Not printed; it summarized the Turkish note of April 10, *supra*.

⁶ G. Howland Shaw, Counselor of Embassy in Turkey.

stances set forth in the following comment with which Mr. Shaw accompanied the copy forwarded for my information :

"At 7:30 p.m. the Foreign Office telephoned me to say that as the Ambassador was away the Minister wished to see me at 8:30. The Minister greeted me with even more exuberance than usual. He said that, as I was aware, they always wanted to keep the friendly American Government informed of their doings and therefore he was giving me a copy of a note on the Straits régime which had been approved after an all-night session of the Council of Ministers and which was being addressed to all the Governments which had taken part in the negotiation of the Lausanne Straits Convention. On purpose he said he had chosen a broad formula since some Powers which had signed the Convention had not ratified it; e. g., the U. S. S. R. and Yugoslavia. He said the note would be given out on Monday and the Turkish Ambassador in Washington had been instructed to inform the Department concerning the note tomorrow. After I had had an opportunity of reading the note the Minister asked me what I thought of it. I expressed satisfaction that Turkey after setting forth clearly and soberly her view of the case was prepared to negotiate a new régime rather than create a *fait accompli*. The Minister replied that Europe had been treated to various ways of handling international questions, but the present note represented the Turkish way. He called my attention to the fact that the note contained no reference to prestige and honor and no high-sounding phrases. I inquired how he envisaged the negotiations. He said that some of the Governments addressed would doubtless say they weren't particularly interested in the matter of the Straits and Turkey could do as she wished; others would have definite ideas and negotiations would be carried on at Ankara. I asked the Minister whether I was correct in thinking that Articles 1 and 2 and the Annex to Article 2 of the Lausanne Straits Convention were not affected by the present Turkish action and that it was Article 4 that the Turks had particularly in mind. The Minister at once replied that there would have to be changes in the Annex to Article 2 with respect to vessels of war. He was not too clear as to just what these changes should be. He spoke of the desirability that each case of a war vessel entering the Black Sea should be considered on its merits with ample previous notice, not only to Turkey but to other interested Powers. He spoke of the responsibilities of Turkey to Europe in this connection. He said Turkey hadn't the slightest anxiety about the naval programs of any of the Black Sea Powers. Under their naval agreement with the Soviets there was notification of any naval building and the confidence created by this fact eliminated any apprehension. On commercial navigation of the Straits the Minister was most emphatic that Turkey stood squarely not only for the facilities set up under the Lausanne Convention, but for any extension and liberalizing of those facilities that could be worked up. He pointed out that Turkey had always considered the Lausanne Convention as applying not only to the commercial vessels of the signatory countries, but to all commercial vessels and that they would not depart from this view in the future. He said that if he were called upon for a text of an agreement regarding commercial navigation of the Straits, he would at once propose the pertinent parts of the existing Convention. He even went

so far as to say that they would have no objection to the continuance of some kind of international Straits Commission. They welcomed witnesses, he said. I said I supposed Turkey had no intention of raising any question over the demilitarized zones set up by Article 1 of the Thracian Convention.⁷ He replied 'No', as with the present limitations on Bulgaria's military establishment that demilitarized zone is unobjectionable from the Turkish point of view, but should Bulgaria rearm then Turkey will insist on fortifying Edirne (Adrianople) to restore the balance of forces. . . ."

"While I was talking with the Minister Suad Bey⁸ telephoned from Geneva. The Minister told me that Suad Bey reported that Mr. Titulesco⁹ was fearful of the effect upon Hungary and Bulgaria of Turkish action on the Straits régime. Dr. Aras had given Suad Bey reasons for believing Mr. Titulesco's fears were quite groundless."

It will be noted that this communication of the Turkish Government looks to the reconsideration (or, by obvious implication, the abolition) of those provisions of the Lausanne Convention relevant to the demilitarization of the Straits: and that, although the determination to be rid of such military restrictions is plainly enough indicated (in the penultimate paragraph) by the words that this Government "may be brought to take before the nation the responsibility incumbent upon it, by adopting the measures dictated by the imperative necessity of the circumstances," that threat of eventual unilateral action is nevertheless subordinated to the conciliatory assurance that the Turkish Government "is ready to undertake discussions with a view to arriving, in the near future, at the conclusion of agreements designed to regulate the régime of the Straits under the conditions of security indispensable for the inviolability of Turkish territory, and in the most liberal spirit as regards the continued development of commercial navigation between the Mediterranean and the Black Sea."

The Turkish Government would seem to have taken advantage very adroitly of the conjuncture of European affairs consequent upon the German remilitarization of the Rhineland and (incidentally, though not negligibly, from the viewpoint of the Near East) upon the Austrian reestablishment of conscription. Not only is the moment one at which Turkey might expect to find a minimum of effective opposition, because of the preoccupation of the principally interested Powers with far graver "revisionist" threats to their interests and to their actual security; but the course of the discussions that have thus far taken place between Germany and the other Locarno Powers—discussions in which the latter have in effect taken the position that they would consent to the revision of the Versailles Treaty¹⁰ and the

⁷ League of Nations Treaty Series, vol. xxviii, p. 141.

⁸ Suad Davaz, Turkish Ambassador to France; member, League of Nations Council, April 1936.

⁹ Rumanian Minister for Foreign Affairs.

¹⁰ *Treaties, Conventions, etc., 1910-1923*, vol. iii, p. 3329.

reconsideration of the Locarno Treaty ¹¹ if only Germany would pay at least symbolic deference to the sanctity of those instruments—would seem to have estopped Great Britain and France and Italy from taking any strong stand against the less vital revision of military restrictions which Turkey now proposes to effect by negotiation and mutual accord. It would thus seem that Turkey is likely not only to achieve her present purpose, but to acquire, in doing so, the *kudos* of having set an example of correctness and good-will in her international relationships.

There is indeed some question whether this wise moderation of the Turkish Government's *démarche* originated with it. From certain conversations which he has had in Ankara, Mr. Shaw has received the impression that, almost until the last moment before despatching the note, the Turkish authorities had intended to exploit in a less conciliatory way the opportunity which the European situation now affords them, but that their intentions were moderated as a result of conversations with the British Ambassador. Although, in a brief talk which I had with him yesterday, Sir Percy Loraine did not actually confirm that impression, he did seem to me to lend color to it by stressing the admirable manner of the Turkish *démarche*, even while stating that he did not yet know what view his Government would be disposed to take towards the substance of the request.

The attitude thus expressed by the British Ambassador may perhaps be construed to indicate that his Government has not at any rate reacted strongly against the Turkish demand for revision, and may be expected to acquiesce. And it would seem that France has no such proximate interest as would warrant her taking a definite attitude of opposition. Nor would it appear likely that Japan, although one of the Powers guaranteeing the régime under Article 18 of the Straits Convention, would feel disposed to concern herself actively in so remote a question, any more than in the analogous case of her participation in guaranteeing the status of the Memel Territory; both cases are perhaps mere survivals of an international orientation of Japanese policy, which has since been discarded in favor of a policy centred almost wholly upon Asia. Italy would seem to be the only one of the guaranteeing Powers which might prove disposed, on account of her considerable mercantile interests, and possibly for reasons related to her present tendencies towards a form of imperialism, to oppose substantial objections and difficulties in the way of Turkey's obtaining the desired revision of the Convention.

But even although the guarantors and other Powers signatory to the Convention may prove disposed to acquiesce in the revision which Turkey demands, it may well be that Great Britain and France, at any

¹¹ League of Nations Treaty Series, vol. LIV, pp. 289-363.

rate, would find it embarrassing to deal with the question of Turkey's remilitarization of the Straits until at least there shall have been worked out some tolerable solution of the question of Germany's remilitarization of the Rhineland. It is therefore possible that Turkey's *démarche* may remain for the present in abeyance, save perhaps for some preliminary informal assurances, until definite progress may have been achieved in the settlement of the crisis in Western European affairs.

Respectfully yours,

J. V. A. MACMURRAY

767.68119/894 : Telegram (part air)

The Consul at Geneva (Gilbert) to the Secretary of State

GENEVA, April 15, 1936—3 p.m.

[Received April 16—6 p.m.]

117. Consulate's 113, April 11, 5 p.m.¹² Although I can find no definite basis for this belief, general feeling seen here that the matter of the demilitarized zone of the Straits will in some manner be brought before the May Council either by Turkey or by some other power.

Should this happen the course the matter would take is by no means clear. Although the representatives of the most interested powers here express opinions, the position of their states does not seem as yet in any way crystallized. The Secretariat view is that the Turkish notification is a salutary influence in international affairs in contrast to the recent series of unilateral denunciation of treaties and the hope is particularly expressed that it may presage action under article 19 of the Covenant which would bring the League usefully into play and increase its prestige. Among the representatives of the most interested powers, I find currents of view countenancing national political interests such as the favorable attitude toward the Turkish position on the part of the Balkan Entente running counter in the same field to their basic policy of anti-revisionism.

GILBERT

767.68119/897a : Telegram

The Secretary of State to the Ambassador in Turkey (MacMurray)

WASHINGTON, April 20, 1936—5 p.m.

17. Please comment on recent widespread press reports that Turkish troops have entered the demilitarized zone of the Straits.

HULL

¹² Not printed.

767.68119/903

The Ambassador in the United Kingdom (Bingham) to the Secretary of State

No. 2129

LONDON, April 20, 1936.

[Received May 1.]

SIR: I have the honor to report that in an informal conversation to-day, the Foreign Office confirmed that it had sent a sympathetic reply to the Turkish proposal for Treaty revision with a view to re-fortifying the Dardanelles and the Bosphorus, and made the following observations in this general relation.

While the Foreign Office would have preferred that Turkey had addressed its communication to the Secretary General of the League and had the Assembly take the steps provided for in Article 19 of the Covenant, instead of addressing the signatories of the Lausanne Treaty direct and merely informing the League, it was realized that the former procedure would have afforded the representatives of the anti-revisionist countries in the Assembly an excellent opportunity to block Turkey's aspirations. Nevertheless the Foreign Office welcomed the straightforward nature of Turkey's proposal, which they considered quite proper. The Foreign Office thought that the Turkish Government had shown good judgment in its choice of the moment to request a revision of the Régime of the Straits and that Turkey was in the present instance probably actuated more by fear of Italian expansion in the Mediterranean than for any other reason.

The Foreign Office said that, while they had no doubt the Italian Government would desire to oppose the refortification of the Straits, they would be interested to see what sort of a case Italy, a revisionist country and an outstanding treaty-breaker, could make against Turkey. Referring briefly to the other interested Powers, the Foreign Office said there would not be much opposition, except, perhaps, in the case of the French, "who object to everything." Greece also feared Italy and wished to fortify her own islands; Rumania, as a member of the Balkan Entente, seemed favorably disposed; Bulgaria was agreeable for revisionist and other reasons; and Soviet Russia, a signatory who had not ratified the Treaty, was an ally of Turkey and for this and other obvious reasons, had assumed a very favorable attitude.

As regards the problem from a purely military standpoint, the Foreign Office felt that Turkey could block the Straits in a few hours even under the existing Régime. By the same token, owing to the great advances in the air, the blocking of the Straits alone no longer afforded adequate protection to Constantinople. The question of permitting Turkey to refortify the Straits was therefore becoming largely academic.

This question of altering the Régime of the Straits was discussed with the same official of the Foreign Office a little less than two years ago and reported in the Embassy's despatch No. 824, of July 13, 1934.¹³ The Department will recall that, at that time, the Foreign Office was glad the Turks had agreed to drop the question and felt that the less said about it the better. In to-day's conversation reported above, the same official seemed most heartily to welcome the present proposal of the Turkish Government. The Embassy could not help being struck by this change of attitude even though it is easy enough to understand in view of the highly important changes which have occurred since the first conversation took place: especially Germany's re-occupation of the Rhineland, Italy's successes in Ethiopia and the severe loss which British prestige has suffered, particularly in the Mediterranean area.

Respectfully yours,

For the Ambassador:
RAY ATHERTON
Counselor of Embassy

767.68119/898 : Telegram

The Ambassador in Turkey (MacMurray) to the Secretary of State

ISTANBUL, April 21, 1936—3 p.m.

[Received April 21—11:20 a. m.]

12. Department's 17, April 20, 5 p.m. Reports are officially denied. While such a move might be welcomed by military its execution at the present time seems highly unlikely in view of the nature of Turkish diplomatic *démarche* concerning Straits and reception generally accorded to it.

MACMURRAY

767.68119/908

The Ambassador in Turkey (MacMurray) to the Secretary of State

No. 22

ANKARA, April 23, 1936.

[Received May 15.]

SIR: I have the honor to enclose herewith, in reference to the Turkish request for revision of the Straits Convention of 1923 (as reported in my despatch No. 20 of April 14), a memorandum of a conversation on that subject which I had yesterday with Dr. Tevfik Rüstü Aras, Minister for Foreign Affairs. I also enclose copies¹⁴ of memoranda of recent conversations with the Japanese Ambassador,¹⁵ the Coun-

¹³ *Foreign Relations*, 1934, vol. II, p. 979.

¹⁴ Not printed.

¹⁵ Iyemasa Tokugawa.

selor of the German Embassy,¹⁶ and the British Ambassador,¹⁷ touching on various aspects of the same question.

The Government of the United States has, as I understand the matter, no treaty right, direct or indirect, with respect to the Straits Convention; nor has it any concern with the military and political aspects of that Convention; its sole practical interest in the matter is the maintenance (or perhaps the amelioration) of the régime of freedom of commercial navigation through the Straits. There is every reason to believe that it is the intention of the Turkish Government to maintain that régime satisfactorily and without discrimination for the benefit of maritime traffic, even in the event of the termination of Turkey's present conventional obligations in that regard. And in view particularly of the disposition of the Turkish Government, because of the "favorable balance of trade" with the United States, to give American commerce the most favorable treatment, I am confident that we need feel no anxiety about the continued enjoyment by our shipping of the benefits of the régime.

There are, indeed, certain minor points in which improvements might be suggested. On the basis of its contacts with the American Export Line (the sole American shipping company affected) the Consulate-General informs me that this line, in common with the British and other shipping interests concerned, considers that the quarantine charge of four piastres (say \$0.032) per net registered ton on vessels navigating these waters in either direction (and even when not stopping in transit), and the same charge for the maintenance of life-saving service, levied upon each voyage into the Black Sea, are unduly high and, in the case of vessels merely passing through the Straits, unwarranted. Although it does not appear that, even under the existing Convention, there is any basis for demanding as of right that these charges be abated, there may possibly develop, in connection with the proposed reconsideration of the Convention, some favorable opportunity to suggest to the Turkish Government the reduction of these charges. The Embassy would of course take advantage of any such occasion, either acting alone or cooperating with the representatives of other maritime nations.

Inasmuch as our interest in the question of the Straits is confined to matters in which we can in any case expect the most favorable treatment of our shipping, I venture to suggest that no useful purpose would be served by our being represented by observers in any conference which may be held for the reconsideration of the Convention. On the contrary, in view of the fact that the Turks are even yet manifestly somewhat sensitive about the fact that "as a matter of histori-

¹⁶ Wilhelm Fabricius.

¹⁷ Sir Percy Loraine.

cal survival" (to quote Dr. Aras) the régime of commercial navigation in these Turkish waters has been treated as a question for regulation by international agreement rather than by domestic action, I am sure they would feel it to be the more friendly and gracious on our part, and would predispose them to entertain the more sympathetically any ameliorative suggestions which we might find occasion to offer, if we were to refrain from any assertion of interest in the Convention such as would be implied in our sending observers to the prospective conference on the subject. I have accordingly to request that, if the Department shares this view, I may be authorized to let the Turkish authorities know, in whatever manner may seem most appropriate, that our Government, while fully appreciative of the importance of the question of the Straits and interested in keeping informed as to the progress of the negotiations, particularly as they affect the commercial navigation of the Straits, has no intention of participating in that conference.

Respectfully yours,

J. V. A. MACMURRAY

[Enclosure]

Memorandum by the American Ambassador (MacMurray) of a Conversation With the Turkish Minister for Foreign Affairs (Aras)

ANKARA, April 22, 1936.

Not having previously had the opportunity of meeting Dr. Aras, I called on him at his house, by appointment, at 4:00 o'clock this afternoon.

The conversation shortly turned to the present troubled state of Europe; and in response to a question, he avowed himself optimist enough to believe that war is not actually imminent, but pessimist enough to feel sure that the present *gâchîs* will go on indefinitely—that things are likely to get worse before they get better—and that, meanwhile, none of the problems now vexing Europe will be solved. I asked whether an exception might not be expected in the case of Turkey's *démarche* with regard to the problem of the Straits. He assented with obvious satisfaction; and he then proceeded to observe that, whereas most of Europe is troubled and alarmed, the situation is quite different in two of its extremities, the Scandinavian and the Balkan areas, which have relatively no international problems or apprehensions, and no external entanglements or commitments other than those derived from the League Covenant. For his own part (and throughout the conversation he used the first-person pronoun in referring to the activities or the views of the Turkish Government) he had for fifteen years done his utmost to bring about appeasement

and understanding among the Balkan countries, and could now affirm that there are no appreciable difficulties among them.

Reverting then to the particular question of the Straits, he said that although he had not yet received formal replies from all the Governments concerned, he nevertheless had reason to believe that within a few days all the interested Powers would have given favorable responses: as for the guaranteeing Powers, Great Britain had already consented to negotiate in the sense requested; France would probably do so shortly; Italy might be expected to make only the same reservation that she has hitherto made as to entering into agreements with countries applying sanctions against her; and he anticipated that Japan would only stipulate that the negotiations must take place outside the League of Nations. Of the nations of the Balkan Entente, Yugoslavia and Greece had already indicated a favorable disposition—Greece the more readily, of course, because two of her islands would by the same act be freed from the present restrictions upon their fortification. Upon my inquiring as to Bulgaria, he first remarked that she had no reason to object, and that she had been the beneficiary of a very friendly and helpful policy on the part of Turkey; and that if Bulgaria were to take an unsympathetic attitude, there was no reason why he should continue to befriend her. Having made these comments with some appearance of asperity, he went on to say that Bulgaria had in fact indicated that she would not oppose the Turkish *démarche*.

As to the procedure by which effect would be given to Turkey's request for a revision of the Straits Convention, Dr. Aras did not seem yet to be clear. He said that he would discuss the matter with the representatives of the interested Powers on the occasion of the meeting of the League Council in May. He added, in that connection, that he would of course keep Mr. Hugh Wilson²⁸ informed of the progress of such discussions, as well as any Japanese official in Geneva whom the Japanese Ambassador may designate to him for that purpose. He contemplated that the interested Governments would wish to consider the question of the Straits at a conference called for the purpose. He trusted that there would be no demand to have the question considered by the League, both because it is not properly a League question, and because such treatment of it would raise an unnecessary difficulty as regards Japan. There was something to be said, however, for holding the conference at Geneva, outside the League, but with the advantage of the facilities the League affords. On the other hand, the Turkish Government would be very glad to have the conference meet on its own territory—either at Ankara or at Istanbul.

²⁸ Minister to Switzerland.

He said it was not yet evident just what form the revision of the Straits Convention should take; there would doubtless be a multi-lateral convention, but it might also prove necessary to conclude one or more bilateral conventions dealing with the particular interests of, say, the Black Sea States, and specially of Russia (which has never ratified the Straits Convention).

In its substantive aspect, the revision would deal with three general subjects—1) the commercial navigation of the Straits, 2) the remilitarization of the zone, and 3) the passage of naval vessels. The first two of these subjects could be disposed of in half an hour, as they present no issue at all.

As to the first, Turkey is ready to agree out-of-hand to continue the present régime of free commercial navigation, and to consider any improvements which may be suggested in that régime, for the impartial benefit of all nations, whether or not they are signatories of the Convention (and he added that the fact of certain nations being signatory to provisions of that sort was a mere historical survival, and that the only differentiation between signatories and non-signatories would prove to be that the former would now be put to the necessity of negotiating on the subject). Turkey was prepared to assume the appropriate obligations as a matter of voluntary declaration. I understood him to imply (although I missed the opportunity to get him to clear up the point) that he contemplates Turkey's substituting such a unilateral declaration for the existing multi-lateral provisions of the Convention.

With regard to the remilitarization of the Straits, he said that the indications already received warranted the assumption that the interested Powers are prepared to recognize the abolition of the demilitarized zone.

The sole subject as to which the negotiations may be expected to involve any difficulties is that of the terms on which naval vessels and aircraft (other than Turkish) shall be allowed to pass through the Straits. Great Britain and Italy may be expected to insist upon a minimum of restriction, and Russia upon a maximum, on the movements of naval vessels or airships. Between these two extremes of political viewpoint, Turkey considers that it should be possible to find a technically sound system of controlling the transit of such craft through the Straits so as to obviate dangers and surprises, either to Turkey herself or to other Powers in the Black Sea or in the Mediterranean. For the protection of Turkey, it might perhaps be provided that such craft would be allowed to pass through only one by one: and to avoid possible surprises to others, there might be provision for

advance notification to the Turkish Government, which would thereupon publish or notify the fact to all other Governments concerned. He remarked, however, that these were merely suggestions which might be considered in the course of efforts to find a system of control satisfactory to all the nations affected.

Dr. Aras took occasion to say, early in the course of his comments on the revision of the Convention, and to elaborate at a later point in the conversation, that if there were to be any great delay in effecting the revision as regards the demilitarized zone along the Straits, Turkey would request the approval of the signatory Powers for her taking necessary provisional measures, subject to eventual agreement on a permanent basis. He pointed out that there is at least a theoretical danger of Turkey's becoming involved in hostilities: for one thing, she is among the countries applying the League sanctions which Italy regards as an abnormality in international relations, and resents as unfriendly; and another aspect of the same fundamental situation is that Italy's especial animosity towards Great Britain might lead to war between Italy and Germany on the one side, and England, France, and Russia on the other—a situation in which either group, while having no intrinsic quarrel with Turkey, might feel impelled for military reasons to attempt control of the Straits. While hoping and even believing that such contingencies were merely hypothetical, Turkey could not ignore possibilities so vitally endangering her security, and would feel justified, even under the terms of the existing Convention, in taking necessary measures of precaution; but she preferred to act with the acquiescence of the other signatories rather than to proceed solely upon her own construction of her obligations. He further gave me to understand that he had no reason to apprehend that the negotiations for revision would be protracted, save for the possibility that the procedural requirements might take some time in the case of Great Britain (primarily because of the necessity of consulting the Dominions) and possibly of France and Italy.

The impressions I derived from the rather discursive comments made by Dr. Aras may be roughly summarized as follows:—

Turkey is reasonably confident that through negotiations with the Powers party to the Straits Convention she can arrive at a complete abrogation of that instrument, and has somewhat vaguely in mind substituting for it:

- 1) A declaration, *ex proprio motu*, assuring equally to all nations unimpeded commercial navigation of the Straits, in terms substantially identical with those set up by the Convention, although perhaps taking account of ameliorative suggestions from the maritime nations; and
- 2) A treaty or convention, among those Powers having naval interests in the Mediterranean and the Black Sea, establishing some system of control over the transit through Turkish territory of warships and

aircraft—this multilateral treaty possibly being supplemented by bilateral agreements between Turkey and certain of the Powers more particularly concerned:

and that, in the event that the negotiations for the abolition of the demilitarized zone along the Straits are unduly protracted, Turkey will request (or in effect demand) the right to refortify the zone pending the result of the negotiations.

J. V. A. MACMURRAY

767.68119/911

The Ambassador in the Soviet Union (Bullitt) to the Secretary of State

No. 1544

Moscow, April 24, 1936.

[Received May 18.]

SIR: I have the honor to enclose in translation the answer of the Soviet Government¹⁹ to the Turkish note asking for a revision of the Straits Convention. This note was published in the Moscow *Izvestiya* No. 92 (5949) of April 18, 1936.

As was to be expected, the Soviet reply expressed complete approval of the action of the Turkish Government, sympathy with the motives which impelled it, and readiness to participate in any negotiations intended "to bring the régime of the Straits into accord with the interests of the security of Turkey and of peace and quiet in that area".

The Soviet Government has always advocated the fortification of the Straits by Turkey. At the time of the Lausanne Conference, the Soviet Government took a stand on this question even more intransigent than that of Turkey herself.²⁰ The Soviet Government has subsequently let it be understood that its failure to ratify the Lausanne Convention was the result of its disapproval of the clauses forbidding the fortification of the Straits.

The enclosed note was backed by editorials* in the two leading Moscow newspapers, giving unqualified support to the Turkish position. Inasmuch as official Moscow circles are unable to discuss any topic of foreign affairs without reference to Germany, much was said in these editorials about the danger of war and the aggressive plans of certain nations, but little was said which sheds any new light on the policies of the Soviet Union toward Turkey and the question of the Straits.

¹⁹ Not reprinted.

²⁰ See British Cmd. 1814, Turkey No. 1 (1923): *Lausanne Conference on Near Eastern Affairs, 1922-1923, Records of Proceedings and Draft Terms of Peace*, pp. 129, 160, 236-240, 252.

*Moscow *Pravda* No. 104, April 14, 1936, and Moscow *Izvestiya* No. 88 of April 14, 1936. [Footnote in the original.]

Rumors have been current in Moscow to the effect that the relations between Moscow and Turkey are not now so intimate as they have been. There is a feeling that increasing antagonism between England and Italy will lead England to seek close friendship with Turkey, and that Turkey will become less dependent on the Soviet Union.

The Russian-Turkish friendship has been a *mariage de convenance* and there is no reason to suppose that it will long outlive the practical advantages which have given rise to it. It is still, however, mutually advantageous.

Respectfully yours,

WILLIAM C. BULLITT

767.68119/900 : Telegram

The Ambassador in Japan (Grew) to the Secretary of State

TOKYO, April 27, 1936—4 p.m.

[Received April 27—4:01 a.m.]

90. Department's instruction 542, June 9 [29], 1934.²¹ My Turkish colleague has confirmed the report published here yesterday that the Japanese Government is willing to discuss with other signatories of the Lausanne convention the matter of rearming the Straits. It is however expected that Japan will make reservations in view of the fact that any change in the status of the Straits may free the Soviet Black Sea fleet.

Despatch follows.

GREW

767.68119/901 : Telegram

The Minister in Yugoslavia (Wilson) to the Secretary of State

BELGRADE, April 29, 1936—5 p.m.

[Received April 29—2:20 p.m.]

16. Foreign Office yesterday handed note to Turkish Minister here stating that although not a signatory to Straits Convention Yugoslav Government was prepared to second Turkish demand for new agreement.

WILSON

767.68119/914

The Ambassador in Turkey (MacMurray) to the Secretary of State

No. 32

ISTANBUL, May 12, 1936.

[Received May 26.]

SIR: I have the honor to transmit herewith the text, as published in *La République* of May 7, 1936, of a note of April 29, 1936 from the

²¹ See *Foreign Relations*, 1934, vol. II, p. 973, footnote 87.

Rumanian Minister for Foreign Affairs to the Turkish Chargé d'Affaires at Bucharest, as well as the Turkish Government's reply dated May 5, 1936.²² This exchange of notes is considered to represent the outcome of a series of conversations between officials of Rumania on the one side, and Turkey and certain members of the Balkan Union on the other, regarding Rumania's hesitancy in accepting the remilitarization of the Straits by Turkey. Immediately after the delivery of the Turkish notes of April 10th,²³ formally announcing to the powers signatory to the Treaty of Lausanne a desire for revision of its military clauses, reports began to be received in Turkey that Rumania would raise objections. In fact, during the course of the conversation between the Turkish Minister for Foreign Affairs and Mr. Shaw, Counselor of this Embassy, on the evening of April 10th (see Despatch No. 20 of April 14, 1936) the former was called to the telephone and was informed by the Turkish representative in Geneva that M. Titulesco was fearful of the effect upon Hungary and Bulgaria of the Turkish action with regard to the Straits Convention. On April 20th the Berlin radio station broadcast a report that a difference of opinion had arisen between Rumania and Greece on the question of the Straits. According to this report, Greece did not wish to oppose the Turkish project, while Rumania was trying to persuade her to do so and to advocate the maintenance of the *status quo*. The Secretary General of the Turkish Ministry of Foreign Affairs, M. Numan Menemendjioglu, who had planned a trip to Moscow, changed his itinerary at the last minute and went by way of Belgrade and Bucharest. It is understood that this was for the purpose of bringing about agreement to Turkey's proposals on the part of all the members of the Balkan Union and especially of Rumania. His efforts were apparently successful; and Rumania, before the meeting of the Balkan Union in Belgrade, expressed, in the form of the enclosed note, her willingness to discuss with sympathy the revision of the Straits Convention.

Respectfully yours,

J. V. A. MACMURRAY

767.68119/918 : Telegram

The Chargé in the United Kingdom (Atherton) to the Secretary of State

LONDON, June 5, 1936—3 p.m.
[Received June 5—10:35 a.m.]

297. It is officially announced that the British Government has accepted the invitation of the Turkish Government to attend a Straits

²² Neither reprinted.

²³ *Ante*, p. 503.

Conference at Montreux. This was originally planned for June 22, but with the semi-official intimations of a postponed Council meeting and the announcement of the League Council convening probably the end of this month, a postponement of the Montreux meeting is more than likely.

ATHERTON

767.68119/919 : Telegram (part air)

The Consul at Geneva (Gilbert) to the Secretary of State

GENEVA, June 11, 1936—noon.
[Received June 14—7:12 a.m.]

228. I learn from a Minister of a participating state that the present arrangement respecting the Conference on the Regime of the Straits is that it will convene as originally scheduled at Montreux on June 22nd and after setting up committees will adjourn a few days later until after the Assembly, the real decisions not to be taken until the second group of meetings. This is the appearance of a compromise, the Turks desiring the Conference before the Assembly and the British not wishing to participate in any decisions until they could know the Assembly results and also desiring to employ the Council and Assembly sessions as a bargaining ground for action respecting the Straits.

There are no evidences here of any particular French policy and the assumption is that France will follow Great Britain's lead.

Consonant with the statement of the Italian representative, reported in my telegram 197, May 28, 2 p.m.²⁴ third paragraph, he now advises that the Italians will not be represented at the opening of the Conference but may send an observer. This is a corollary of their general policy non-cooperation with the specific design of placing pressure on the Assembly.

GILBERT

767.68119/924a : Telegram

The Secretary of State to the Ambassador in Turkey (MacMurray)

WASHINGTON, June 22, 1936—5 p.m.

30. After giving full consideration to the questions raised in your despatch No. 22 of April 23, the Navy Department reaffirms its view with respect to the desirability of a bilateral agreement between the United States and Turkey for the purpose of safeguarding American rights in the navigation of the Straits, as expressed in its letter of

²⁴ *Ante*, p. 141.

August 17, 1935, a copy of which was transmitted to the Embassy under cover of the Department's mail instruction No. 219 of September 11, 1935.²⁵

This Department and the Navy Department concur in your view regarding the inadvisability of American representation at the Montreux Conference. Accordingly you may in your discretion advise the Turkish authorities informally that this Government has no intention of sending an observer to the Conference but that it would appreciate being kept informed of the progress of negotiations.

Please continue to report fully.

HULL

767.68119/924 : Telegram (part air)

The Consul at Geneva (Gilbert) to the Secretary of State

GENEVA, June 23, 1936—noon.
[Received June 24—1:26 p.m.]

244. Conference on Regime of the Straits. The Polish Minister returning from a private conversation with the Turkish Foreign Minister at Montreux tells me that Aras informed him that Turkey had given direct commercial assurances to the United States and Poland, the inference being that these were the only non-conference powers to which they had been accorded.

The draft convention submitted by Turkey²⁶ makes no mention of a continuing Straits commission. The Bulgarian and Rumanian delegations here expressed to me strongly the view that Turkish governmental formalities at the Straits could in effect be so obstructive and discriminatory as largely to nullify the principle of free commercial transit and that some neutral body of appeal such as a Straits commission is an essential safeguard.

I am reliably informed by delegates of various participating states that the present situation at Montreux indicates that there will be no opposition to Turkish remilitarization, that the commercial aspects as suggested above are regarded as a problem, but that the real question in the Conference will be concerning the passage of war vessels each state represented already taking positions based on individual strategic considerations. In the last respect the real problem of the Conference is seen to lie in an adjustment of the British and Russian positions.

GILBERT

²⁵ *Foreign Relations*, 1935, vol. I, p. 1040.

²⁶ *Actes de la Conférence de Montreux*, pp. 285-287.

767.68119/924 : Telegram

*The Acting Secretary of State to the Ambassador in Turkey
(MacMurray)*

WASHINGTON, June 25, 1936—6 p.m.

32. The following statement is made in telegram from Consulate at Geneva dated June 23, noon, reporting on Montreux Conference "The Polish Minister returning from a private conversation with the Turkish Foreign Minister at Montreux tells me that Aras informed him that Turkey had given direct commercial assurances to the United States and Poland, the inference being that these were the only non-conference powers to which they had been accorded."

In speaking of "direct commercial assurances to the United States" is it your understanding that the Turkish Foreign Minister was referring to his statement to you on April 22 covered in the second paragraph on page 4 of enclosure No. 1²⁷ to your despatch No. 22 of April 23? If so, please indicate whether in your opinion the statement of the Foreign Minister was intended as a specific assurance to this Government or as background information.

PHILLIPS

767.68119/927 : Telegram

The Chargé in Turkey (Shaw) to the Secretary of State

ISTANBUL, June 26, 1936—3 p.m.

[Received June 26—2:40 p.m.]

26. Department's 32, June 25, 6 p.m. In view of delay in consulting Ambassador I submit following personal opinion: Statements made by Foreign Minister to the Ambassador on April 22 and to me on April 10, see bottom of page Embassy's despatch No. 20 April [14] are official declarations of Turkish Government's policy with respect to commercial navigation of the Straits and were deliberately given as such. That navigation is to be at least as free as under Lausanne convention and vessels of all countries whether or not signatory to new convention will benefit without any discrimination whatsoever. Text of convention proposed by Turks at Montreux bears out this view. Statements concerning commercial navigation essentially the same as those made to us were also made by Dr. Aras and Foreign Office officials to several other representatives of non-conference powers. From the outset the Turks have spared no efforts to make their position on this point perfectly clear to everybody.

SHAW

²⁷ Paragraph beginning "As to the first . . .", p. 516.

767.68119/928 : Telegram (part air)

The Consul at Geneva (Gilbert) to the Secretary of State

GENEVA, June 26, 1936—5 p.m.

[Received June 28—6:42 a.m.]

254. Consulate's 244, June 23, noon, Conference on Regime of the Straits. I learned from delegations here of participating powers that the following are the essentials of the positions of the governments, either expressed or unexpressed, up to the present stage of the Conference.

Commercial Questions:

Great Britain, Bulgaria and Rumania—The safeguarding of commercial shipping interests by some form of international control or regulations.

Remilitarization and transit of warships:

Russia—Free ingress and egress for Black Sea powers; opposes equality of rights in this for other powers. Black Sea closed to other powers except for courtesy visits of small units unless in implementation of League or regional pact decisions. Except as last stated no non-riparian belligerent power could enter Black Sea during war.

Bulgaria and Rumania—Opposed to provisions described in the last sentence of foregoing but generally favorable to mutual assistance arrangements.

France—Broadly speaking, policy not yet disclosed except its support of mutual assistance features of Russian position.

Italy—The Italian representative here made a "personal but official" visit to Montreaux and exposed his Government's position as a general reservation on all questions concerning remilitarization and transit of warships. His somewhat cryptic thesis on remilitarization was that Turkey should be permitted to remilitarize but not to fortify the Straits. He also indicated opposition to any discrimination in warship transit favoring Black Sea powers.

Turkey—To prohibit the passage of warships through the Straits in sufficient strength at any one time to threaten Stamboul. With the foregoing exception riparian states to have unrestricted passage. Other states only for courtesy visits. Generally concentrating on right to fortify. Envisaging failure of ratification of general convention, desires to be accorded right to fortify immediately upon signature or under terms of special separate protocol, also to be accorded in the same manner the privilege of closing the Straits to non-riparian warships in case of a threat of war.

Japan—If riparian warships are permitted egress from the Black

Sea non-riparian warships should have ingress on equal terms. Opposes any reference to League in the convention and declines to give any commitments to act in defense of the Straits.

Great Britain—In general support of Japan on first item of Japanese position. In general making reservations on all points without disclosing its hand.

The best informed general estimate here is that Great Britain is awaiting Italy's entering the Conference when Great Britain, Japan and Italy will concert their tactics to achieve a bottling up of Russia in the Black Sea. In that feature, however, which presents itself as an Italian-Balkan issue, it is not known to what extent Great Britain may support Italy or maneuver for a middle position.

GILBERT

767. 68119/929 : Telegram (part air)

The Consul at Geneva (Gilbert) to the Secretary of State

GENEVA, June 29, 1936—2 p.m.
[Received June 30—3:40 p.m.]

265. Regime of the Straits.

1. A member of the British delegation to the Montreux Conference informs me that the British position vis-à-vis Russia, described in the final paragraph of my No. 254, June 26, 5 p.m., had in fact been held by the delegation in the opening days of the Conference but that the present British policy make [*marks?*] a definite turning toward an acceptance of the Turkish demands and also of the Russian, with some "escalator" proviso in respect of the latter to the effect that an increase beyond a certain point in the Russian Black Sea fleet would permit a proportionately larger ingress of naval units of non-Black Sea powers. He added that satisfactory conversations had been had with Litvinov and Aras along these lines.

He saw, however, a lack of fixity in any British policy in part, at least, due to possible attitudes which might be assumed by Italy and Japan. The Japanese appear to be holding stiffly to their stand as described in my telegram under reference, and there is furthermore, a general feeling in the British delegation that the attitudes of Japan or Italy, or both, might break up the Conference.

2. The Greek Minister informs me that the Balkan Entente is unitedly in support of Turkey; but that he has the impression that unless London makes some approach to Rome respecting a general Mediterranean settlement, Italy will not go to Montreux.

GILBERT

767.68119/932 : Telegram

The Ambassador in Turkey (MacMurray) to the Secretary of State

ISTANBUL, July 3, 1936—2 p.m.

[Received July 3—12: 05 p.m.]

28. In a conversation with Acting Minister of Foreign Affairs yesterday, he fully confirmed statements made in Embassy's 26, June 26, 3 p.m., as to Turkish policy respecting commercial navigation of the Straits and specifically authorized me so to inform you.

MACMURRAY

767.68119/949 : Telegram

The Ambassador in Turkey (MacMurray) to the Secretary of State

ISTANBUL, July 22, 1936—1 p.m.

[Received July 22—11: 45 a.m.]

36. Upper Bosphorus and Dardanelles demilitarized zones and Islands of Imros and Tenedos occupied by Turkish troops yesterday.

MACMURRAY

767.68119/967

The Ambassador in Turkey (MacMurray) to the Secretary of State

No. 90

ISTANBUL, July 29, 1936.

[Received August 11.]

SIR: Referring to previous correspondence regarding the Straits Convention of Lausanne and its recent modification by the Convention signed at Montreux on July 20th,²⁸ I have the honor to enclose herewith a memorandum of a conversation which I had on July 25th with Dr. (Tevfik Ruştü) Aras, Turkish Minister for Foreign Affairs.

What seems to me to appear most significantly from this conversation is that, despite the impatience and irritation against Great Britain which the Turkish controlled press was permitted to propagate during the Conference at Montreux, the present intention of this Government is to manifest an attitude of complete satisfaction, and indeed of solidarity, with that of Great Britain. It is not yet fully apparent whether this is due to the favorable results finally attained at Montreux, or to what extent it may be induced by a feeling of common cause with Great Britain with relation to the apprehended pretensions of Italy in the Eastern Mediterranean.

With respect to certain phases of the latter question, I am reporting by separate despatch certain comments of Dr. Aras, made in the course

²⁸ For text of convention, see British Cmd. 5249, Turkey No. 1 (1936) ; or League of Nations Treaty Series, vol. CLXXIII, p. 213.

of the same conversation, concerning the status of the understanding between Turkey and Great Britain as to mutual support in contingencies arising out of Article XVI of the League Covenant.

Respectfully yours,

J. V. A. MACMURRAY

[Enclosure]

Memorandum by the American Ambassador (MacMurray) of a Conversation With the Turkish Minister for Foreign Affairs (Aras), July 25, 1936

Having asked for an appointment in order to present my felicitations to Dr. Aras, who had returned from Montreux on the 24th, I was one of a number of Chiefs of Mission whose visits he received on the afternoon of the 25th, at the Pera Palace Hotel. He was in a very triumphant mood, and scarcely allowed me to speak my word of congratulations before bursting forth into jubiliations that Turkey had got from the Conference every substantial thing that she had wanted—which satisfactory result had been achieved in spite of very serious difficulties.

Quite in contrast with the attitude of the controlled Turkish press, which during most of the Conference had been protesting against the obstructiveness of the British, he emphasized that this happy outcome was in large degree due to the constant friendly support of the British Delegation. He was so insistent on this point as even to convey the impression that there might well have been a rift which he was now zealously trying to repair.

Without specifically blaming either France or Russia, he enlarged upon the difficult situation created for Turkey by their insistence upon keeping the Straits open for the uses of the Franco-Soviet combination while closing them to the naval forces of other Powers. Turkey, he said, could never have accepted such a situation, in which she would have been compelled to compromise her neutrality as guardian of the Straits. Happily, a way out of the impasse had been found by the formula that Turkey should allow the passage of naval forces acting either under mandate of the League or under the terms of a mutual assistance treaty to which Turkey herself might be a party. The latter alternative was altogether out of the question, as Turkey has no present or imaginable intention to become a party to such a treaty; so the proviso was based upon a condition contrary to fact and therefore meaningless save as it was acceptable to the French and Soviet Governments because enabling them to make it appear to their home constituencies that the Conference had given them some additional element of security.

Dr. Aras further spoke rather bitterly of the Italian abstention from the Conference, saying that Italy not only had responded in

terms favorable in principle to considering the revision of the Lausanne Convention but had also accepted the invitation to participate in the Conference on a given date at Montreux, but had later reconsidered that acceptance. He protested he was broad-minded enough to consider that there might be sufficient reasons for Italy's abstention to explain it as not actually unfriendly to Turkey, but he could not bring himself to regard it as a friendly thing to do.

At various points in the course of his rather discursive comments, Dr. Aras reiterated that the new Convention fully and impartially preserves the free commercial navigation of the Straits, and indeed further facilitates it by a slight alleviation of the existing charges for certain services to navigation.

MACMURRAY

767.68119/988

The Ambassador in Turkey (MacMurray) to the Secretary of State

No. 156

ANKARA, November 13, 1936.

[Received December 1.]

SIR: With reference to the Embassy's despatch No. 102 of August 11, 1936,²⁹ and other correspondence regarding the new régime of the Straits as the result of the Montreux Conference, I have the honor to enclose herewith a copy of a note received from the Ministry for Foreign Affairs of the Republic of Turkey on November 12, 1936, together with an English translation thereof.²⁹

The note informs the diplomatic missions accredited to Ankara that, the proper number of instruments of ratification of the Powers signatory to the Montreux Convention having been deposited in the archives of the Government of the Republic of France, the provisions of the Montreux Convention became definitively effective on November 9, 1936.

The note was delivered to the Embassy during the morning of November 12. That afternoon I had an appointment with Dr. Tevfik Rüştü Aras, Turkish Minister for Foreign Affairs. Early in the course of general conversation, I took occasion to congratulate the Minister on the definitive coming into force of the Montreux Convention, as notified in the Ministry's circular note of November 11; and I inquired whether, as reported in the press, it was the intention of the Turkish Government to make official publication of the documents. He said that such a publication was in course of preparation, and that he would gladly send me a copy. In thanking him, I remarked that if he should see fit to communicate it to me under cover

²⁹ Not printed.

of a note, his doing so would forestall and set at rest any question that might arise as to the intentions of the Turkish Government concerning our participation in the benefits of the Convention. He at once volunteered to make such a formal signed communication,³⁰ by way of further assurance such as he had already given me orally (see memorandum of conversation with him, July 25, transmitted to the Department in Embassy's No. 90, July 29); and he went on to say that he had already gone further than merely giving individual assurances to us and to other nations not signatory to the Convention—he had, in reporting it to the Grand National Assembly and asking ratification in behalf of the Turkish Government, explained that it embodies a recognition of the principle of free commercial navigation of the Straits and that such recognition is therefore implicit in the Turkish ratification.

Respectfully yours,

J. V. A. MACMURRAY

LIQUIDATION OF UNITED STATES CLAIMS AGAINST THE GOVERNMENT OF TURKEY FOR DISBURSEMENTS MADE WHILE REPRESENTING TURKISH INTERESTS, 1914-1917

[For supplement to claims agreement of October 25, 1934 (Executive Agreement Series No. 73, *Foreign Relations*, 1934, volume II, page 933), effected by exchange of notes signed at Ankara, May 29 and June 15, 1936, see Department of State Executive Agreement Series No. 113, or 51 Stat. 353.]

³⁰ Dated January 13, 1937, enclosed with despatch No. 209, February 5, 1937, from the Ambassador in Turkey, not printed. The official publication referred to bears the title: *Actes de la Conférence de Montreux concernant le régime des Détroits, 22 juin-20 juillet 1936; Compte Rendu des Séances Plénières et Procès-verbal des Débats du Comité Technique* (Liège, Belgique, 1936).

In his reply of February 10, 1937, the Ambassador stated: "I have had much satisfaction in transmitting Your Excellency's letter and its accompaniments to my Government, pointing out to it particularly that in your discourse [July 31, 1936] presenting the Montreux Convention to the Grand National Assembly for ratification, Your Excellency had stressed the fact that the benefits of that Convention accrue alike to the signatories and to non-signatory states, without distinction." (767.68119/994)

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