

Development of U.S. Neutrality Policy *December 1, 1914*

Discussions between President Wilson & Secretaries Bryan and Lansing

President Wilson to the Acting Secretary of State:
Washington, December 1, 1914

My Dear Mr. Lansing:

I would be very much obliged if you would read the enclosed letter from Professor Munsterberg and send me a memorandum, if you would be so kind, of the answers and comments that might be made upon his statements. Here at last is a very definite summing up of the matters upon which German anti-administration feeling in this country is being built up, and perhaps it would be wise to take very serious notice of it. The case they make out is *prima facie* very plausible indeed.

Cordially and sincerely yours,
Woodrow Wilson

Enclosure:

Cambridge, Mass., November 19, 1914.

Dear Mr. President:

A few days ago I wrote to you from New York in reply to your very kind letter of November 10th that I begged to postpone my reply until I reached my desk in Cambridge. Now after my return I indeed ask your permission to enter into some detail with regard to the neutrality question. But let me assure you beforehand that I interpret your inquiry as referring exclusively to the views which are expressed to me by American citizens who sympathize with the German cause or who are disturbed by the vehement hostility to Germany on the part of the American press.

My remarks refers in no way to the views of official Germany....

Let me emphasize three points to which my correspondents refer most frequently. First, all cables sent by and received by wire pass uncensored, while all wireless news is censored. This reacts against Germany, because England sends all her news by cable, whereas Germany alone uses the wireless. The matter is of grave importance. Second, the policy of the administration with regard to the holding up, detaining and searching of Germans and Austrians from neutral and American vessels is a reversal of the American policy established in 1812. It has excited no end of bitterness. Third, the United States permitted the violation by England of the Hague Convention

and international law in connection with conditional and unconditional contraband. The United States, for instance, has not protested against the transference of copper from the conditional to the absolute list, although on former occasions the United States has taken a spirited stand against one-sided interpretations of international agreements.... The United States, moreover, insisted that conditional contraband can be sent in neutral or in American bottoms even to belligerent nations, provided it was not consigned to the government, the military or naval authorities or to any contractors known to represent the belligerent government. By permitting this new interpretation the United States practically supports the starving out policy of the Allies. The nation by reversing its own policy thus seriously handicaps Germany and Austria in their fight for existence....

Many of the complaints refer more to the unfriendly spirit than to the actual violation of the law. Here above all belongs the unlimited sale of ammunition to the belligerents. The administration originally advised Mr. Morgan that the making of loans to the nations at war would not be looked upon with favor by the President, and Mr. Morgan cancelled the plans. This attitude has been given up; the State Department has emphasized that money and arms may be sold to the belligerents, while evidently the friends of peace had firmly hoped that the President would denounce the sale of ammunition or any other sale which would be likely to prolong the war. Indeed our friends of peace must regret this encouraging attitude with reference to the sale of agencies of destruction, but the friends of Germany cannot forget that this sympathetic attitude of the State Department under the conditions which objectively exist is not only helpful to the prolongation of the war, but helpful exclusively to the Allies against Central Europe. The favorite interpretation of the Germans is even that the government makes itself a party to the violation of neutrality by giving clearance papers to vessels loaded with war material for England and France. They say, moreover, that the President as Commander-in-Chief of the Army and Navy could and did restrain the shipment of war material into Mexico. Hence he has the same power to restrain the shipment of such material to Europe....

**Secretary of State Bryan to the Chairman of the Senate Committee on Foreign Relations:
*Washington, January 20, 1915***

Dear Mr. Stone:

I have received your letter of the 8th instant, referring to frequent complaints or charges made in one form or another through the press that this Government has shown partiality to Great Britain, France, and Russia against Germany and Austria during the present war, and stating that you have received numerous letters to the same effect from sympathizers with the latter powers. You summarize the various grounds of these complaints and ask that you be furnished with whatever information the Department may have touching these points of complaint, in order that you may be informed as to what the true situation is in regard to these matters.

In order that you may have such information as the Department has on the subjects referred to in your letter, I will take them up *seriatim*.

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

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

Communications by wireless can not be interrupted by a belligerent. With a submarine cable it is otherwise. The possibility of cutting the cable exists, and if a belligerent possesses naval superiority the cable is cut, as was the German cable near the Azores by one of Germany's enemies and as was the British cable near Fanning Island by a German naval force. Since a cable is subject to hostile attack, the responsibility falls upon the belligerent and not upon the neutral to prevent cable communication.

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

As a wireless message can be received by all stations and vessels within a given radius, every message in cipher, whatever its intended destination, must be censored; otherwise military information may be sent to warships off the coast of a neutral. It is manifest that a submarine cable is incapable of becoming a means of direct communication with a warship on the high seas. Hence its use can not, as a rule, make neutral territory a base for the direction of naval operations....

(4) Submission without protest to British violations of the rules regarding absolute and conditional contraband as laid down in the Hague conventions, the Declaration of London, and international law.

There is no Hague convention which deals with absolute or conditional contraband, and, as the Declaration of London is not in force, the rules of international law only apply. As to the articles to be regarded as contraband, there is no general agreement between nations. It is the practice for a country, either in time of peace or after the outbreak of war, to declare the articles which it will consider as absolute or conditional contraband. It is true that a neutral government is seriously affected by this declaration, as the rights of its subjects or citizens may be impaired. But the rights and interests of belligerents and neutrals are opposed in respect to contraband articles and trade and there is no tribunal to which questions of difference may be readily submitted.

The record of the United States in the past is not free from criticism. When neutral, this Government has stood for a restricted list of absolute and conditional contraband. As a belligerent, we have contended for a liberal list, according to our conception of the necessities of the case.

The United States has made earnest representations to Great Britain in regard to the seizure and detention by the British authorities of all American ships or cargoes *bona fide* destined to neutral ports, on the ground that such seizures and detentions were contrary to the existing rules of international law. It will be recalled, however, that American courts have established various rules bearing on these matters. The rule of "continuous voyage" has been not only asserted by American tribunals but extended by them. They have exercised the right to determine from the circumstances whether the ostensible was the real destination. They have held that the shipment of articles of contraband to a neutral port "to order," from which, as a matter of fact, cargoes had been transshipped to the enemy, is corroborative evidence that the cargo is really destined to the enemy instead of to the neutral port of delivery. It is thus seen that some of the doctrines which appear to bear harshly upon neutrals at the present time are analogous to or outgrowths from policies adopted by the United States when it was a belligerent. The Government therefore can not consistently protest against the application of rules which it has followed in the past, unless they have not been practiced as heretofore....

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

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

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

(7) Submission without protest to interruption of trade in conditional contraband consigned to private persons in Germany and Austria, thereby supporting the policy of Great Britain to cut off all supplies from Germany and Austria.

As no American vessel, so far as known, has attempted to carry conditional contraband to Germany or Austria-Hungary, no ground of complaint has arisen out of the seizure or condemnation by Great Britain of an American vessel with a belligerent destination. Until a case arises and the Government has taken action upon it, criticism is premature and unwarranted. The United States in its note of December 28 to the British Government strongly contended for the

principle of freedom of trade in articles of conditional contraband not destined to the belligerent's forces....

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

There is no power in the Executive to prevent the sale of ammunition to the belligerents.

The duty of a neutral to restrict trade in munitions of war has never been imposed by international law or by municipal statute. It has never been the policy of this Government to prevent the shipment of arms or ammunition into belligerent territory, except in the case of neighboring American Republics, and then only when civil strife prevailed. Even to this extent the belligerents in the present conflict, when they were neutrals, have never, so far as the records disclose, limited the sale of munitions of war. It is only necessary to point to the enormous quantities of arms and ammunition furnished by manufacturers in Germany to the belligerents in the Russo-Japanese war and in the recent Balkan wars to establish the general recognition of the propriety of the trade by a neutral nation.

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

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

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

It will be recalled that in 1863 the Department took the position that captures made by its vessels after hovering about neutral ports would not be regarded as valid. In the Franco-Prussian war,

President Grant issued a proclamation warning belligerent war ships against hovering in the vicinity of American ports for purposes of observation or hostile acts. The same policy has been maintained in the present war, and in all of the recent proclamations of neutrality the President states that such practice by belligerent warships is "unfriendly and offensive." . . .

(13) Change of policy in regard to loans to belligerents. War loans in this country were disapproved because inconsistent with the spirit of neutrality. There is a clearly defined difference between a war loan and the purchase of arms and ammunition. *The policy of disapproving of war loans affects all governments alike, so that the disapproval is not an unneutral act.* The case is entirely different in the matter of arms and ammunition, because prohibition of export not only might not, but in this case would not, operate equally upon the nations at war. Then, too, the reason given for the disapproval of war loans is supported by other considerations which are absent in the case presented by the sale of arms and ammunitions. The taking of money out of the United States during such a war as this might seriously embarrass the Government in case it needed to borrow money, and it might also seriously impair this Nation's ability to assist the neutral nations which, though not participants in the war, are compelled to bear a heavy burden on account of the war, and, again, a war loan, if offered for popular subscription in the United States, would be taken up chiefly by those who are in sympathy with the belligerent seeking the loan. The result would be that great numbers of the American people might become more earnest partisans, having material interest in the success of the belligerent whose bonds they hold. These purchases would not be confined to a few, but would spread generally throughout the country, so that the people would be divided into groups of partisans, which would result in intense bitterness and might cause an undesirable, if not a serious, situation. On the other hand, contracts for and sales of contraband are mere matters of trade. The manufacturer, unless peculiarly sentimental, would sell to one belligerent as readily as he would to another. No general spirit of partisanship is aroused -- no sympathies excited. The whole transaction is merely a matter of business.

This Government has not been advised that any general loans have been made by foreign governments in this country since the President expressed his wish that loans of this character should not be made . . .

(20) General unfriendly attitude of Government toward Germany and Austria. If any American citizens, partisans of Germany and Austria-Hungary, feel that this administration is acting in a way injurious to the cause of those countries, this feeling results from the fact that on the high seas the German and Austro-Hungarian naval power is thus far inferior to the British. It is the business of a belligerent operating on the high seas, not the duty of a neutral, to prevent contraband from reaching an enemy. Those in this country who sympathize with Germany and Austria-Hungary appear to assume that some obligation rests upon this Government in the performance of its neutral duty to prevent all trade in contraband, and thus to equalize the difference due to the relative naval strength of the belligerents. No such obligation exists; it would be an unneutral act, an act of partiality on the part of this Government, to adopt such a policy if the Executive had the power to do so. If Germany and Austria-Hungary can not import

contraband from this country, it is not, because of that fact, the duty of the United States to close its markets to the Allies. The markets of this country are open upon equal terms to all the world, to every nation, belligerent or neutral.

The foregoing Categorical replies to specific complaints are sufficient answer to the charge of unfriendliness to Germany and Austria-Hungary.

I am [etc.]
W.J. Bryan