America and the War

LETTERS AND COMMENTS WRITTEN FOR PUBLICATION IN THE PRESS.

Reprinted by
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BEGINNING OF THE GERMAN MOVEMENT IN CONGRESS.

REPRINTED FROM THE NEW YORK SUN OF DECEMBER 15, 1914.

SEES GERMAN HAND IN PLAN TO PUT EMBARGO ON ARMS.

Maurice Leon charges that Von Bernstorff inspired the Congressman who introduced the Bills in Washington.

Could only injure the Allied Nations.

Intimations that Congressmen fathering bills to stop all contraband exports are in reality agents of Germany acting under advice of German diplomats in this country were made yesterday by Maurice Léon, of 60 Wall Street. Mr. Léon in discussing *The Sun's* report of Representative Bartholdt's advocacy of legislation forbidding all shipments to belligerents, declared that "such an unequivocal espousal of Germany's interests calls for immediate exposure, inasmuch as duplicity in such important matters affects the vital interests and even the permanent safety of the American people."

Mr. Léon gave his views of the activities of Congressmen of German descent, as follows:

"Representatives Bartholdt, Lobeck and Vollmer, when they speak of forcing an end to the war by cutting off all supplies from belligerents, know well that no supplies in any case can reach Germany. Therefore, by 'belligerents' they mean 'allies'.

"This is a characteristic German manoeuver. I have no doubt but that these three Congressmen are carrying out the expressed wishes of Count von Bernstoff, the German ambassador to this country, and Dr. Bernard Dernburg, the German publicist.

"In view of the activities of Representatives Bartholdt, Lobeck and Vollmer, it is important to consider whether the allegiance of these gentlemen is primarily to the United States or to Germany. Their silence is transparent. They are acting as agents of the German Government in Congress. What they do dovetails with the activities of the German ambassador.

"A true explanation of the whole matter is found in the principle laid down in the German imperial and state citizenship law, article 25, paragraph 2.

"This law sanctions the following practices: A German desiring to exercise the franchise of this country goes to the German consul, and from him obtains the written consent of the German authorities to retain his German citizenship, notwithstanding his naturalization.

"Having done that, he goes before a court in this country and takes an oath of allegiance which, according to our laws, requires him expressly to foreswear allegiance to the German Empire. But that oath is not taken by him in good faith. He is not engaged in reality in becoming an American citizen, but in acquiring the right to use the American franchise although remaining a German subject.

"In this way the German Government connives at wholesale deception on the American Government, and does so with the sanction of a law duly adopted by the Reichstag and bearing the signature of the German Emperor.

"The attitude of mind which this situation has engendered is admirably illustrated by two recent articles of Dr. Dernburg. In the current issue of

The North American Review he shows Germany in an attitude of injured innocence protesting that she has nothing to gain and wishes to gain nothing by the war, while in the *Independent* for December 7th Dr. Dernburg discusses the terms upon which Germany would make peace, mentioning that Germany merely wants the Baltic Provinces, Antwerp (which Dr. Dernburg, although formerly a Colonial Secretary, locates on the Rhine), customs control of Belgium, Morocco, a sphere of influence in Asia Minor from the Persian Gulf to the Dardanelles and, as presents to Germany's friends, Egypt for Turkey and Finland for Sweden. If it is the same Dr. Dernburg who writes both of these articles, he must have a dual personality comparable to the dual nationality of the German-Americans represented by Herr Bartholdt, Herr Lobeck and Herr Vollmer.

REPRINTED FROM NEW YORK SUN OF DECEMBER 17, 1914.

NOT KAISER'S AGENTS, SAYS HOUSE MEMBERS.

Bartholdt, Vollmer and Lobeck on Floor Deny Bernstorff Prompted Bills.

Think U. S. Could End War

WASHINGTON, Dec. 16. — An interview with Maurice Léon that appeared in *The Sun* on December 15 charging that Representatives Bartholdt of Missouri, Vollmer of Iowa and Lobeck of Nebraska, all men of German extraction, are

"acting as agents of the German Government in Congress" prompted each of the three members named to rise in the House to-day to a question of personal privilege.

Mr. Léon pointed out that Messrs. Bartholdt, Vollmer and Lobeck had introduced bills prohibiting the shipment of contraband. He declared this to be a characteristic "German manœuvre," expressed his opinion that the three members were carrying out the wishes of the German Ambassador and asserted that it was important to consider "whether the allegiance of these gentlemen is primarily to the United States or to Germany."

In their speeches to-day the three accused men denied emphatically that they had consulted Ambassador Bernstorff relative to their bills prohibiting the shipment of contraband. They expressed great resentment over the suggestion that there was doubt as to their loyalty to the United States.

They particularly took exception to the statement of Mr. Léon that under a law of Germany a German naturalized in this country may "retain his German citizenship notwithstanding his naturalization."

American Flag His Only Flag.

Mr. Bartholdt had read to the House *The Sun* interview and he entered a general denial of the charges made by Mr. Léon, asserting that they emanated "from the New York spokesman of a foreign belligerent Power which according to reports would be at its rope's end but for the contraband it receives from the United States." He proclaimed his loyalty, declaring that he was "for America against England, for America against Germany, for America against the world," adding:

"If the Star Spangled Banner is not my flag, then I have no flag."

Mr. Bartholdt denied that he ever had committed an unneutral act or uttered an unneutral word. He explained that he introduced the bill that provoked Mr. Léon to criticism as a means of effecting peace, arguing that if the belligerents were denied the opportunity to get supplies in this country the war would soon come to an end. He said he had met the German Ambassador only once in the last year, and that was a chance meeting.

"There is a more serious side to this matter, a graver accusation, involving an insult not only to the millions of Germans who have acquired citizenship in this country but also to the German Government," said Mr. Bartholdt. "I refer to the assertion that there is a law on the statute books of Germany which makes it possible for a man to become naturalized here and yet retain his German citizenship, an assertion coupled with the insinuation, almost incredible in its mendacity, that the Germans are taking advantage of this situation and when taking the oath of allegiance do not do it in good faith.

"The facts are simply these: Germany, like every other country, has a law which makes it possible for those who are away from the fatherland to retain their citizenship by reporting within ten years to a German Consul, but when so reporting they must make oath that they have not acquired or taken steps to acquire citizenship in any other country."

Believes U. S. Can Stop War.

Touching on the merits of his resolution, Mr. Bartholdt said:

"It is my deliberate judgment that the United States now has the power to stop the war by withholding from the belligerent nations the sinews of war. Surely the advantages of hastening the time when the whole world will be again thrown open

to our cotton and all other American products will outweigh a hundred times the temporary profits which a few manufacturers are now reaping, and besides we would thus give proof to the world of the sincerity of our desire for peace, a sincerity which can be justly questioned while we are merely praying for peace and at the same time sending dumdum bullets to kill Germans and Austrians."

Mr. Bartholdt said that there would be a "hereafter" if the United States persisted in selling goods to the warring nations of Europe. He said there would come a time when the "Anglo-Japanese alliance" would be "ready for business," and he suggested that then "maybe the friendship of Germany will come in handy."

Mr. Lobeck repudiated the suggestion that in offering his bill he was influenced by considerations of friendship for Germany or enmity toward the Allies. He said he offered the bill as a peace measure and insisted that a stoppage in the shipment of contraband would effect that end.

"It is more than probable," said Mr. Lobeck, "that the man who ascribes to me the condition of being a traitor to this country is not himself an American citizen. The chances are that if Uncle Sam called us to follow the flag he would be the first to duck out into the Atlantic Ocean to get away.

"Scoundrel," Says Vollmer.

Representative Vollmer was more personal. He said he arose "to throw back into the teeth of the scoundrel who concocted this miserable falsehood aimed at my two distinguished colleagues and myself in particular and the American citizens of German birth or descent in general.

"I deem it my duty publicly to reply to these infamous charges which have been given such widespread notoriety by the great newspaper in

which they appeared," he continued. "I was born in this country in the good old State of Iowa. I am not given to boasting about my American patriotism, but I will back it against that of any dirty, purchasable penny a liner who ever tore to tatters the reputation of honest men."

REPRINTED FROM THE NEW YORK SUN OF DECEMBER 18, 1914.

LEON REPLIES TO HIS HOUSE CRITICS

Hints Bartholdt, Vollmer and Lobeck Try to Deceive Congress.

Quotes From German Law.

The following is the reply of Maurice Léon to the attacks made upon him yesterday in the House of Representatives by Congressmen Bartholdt, Vollmer and Lobeck:

"All the vituperation of Messrs. Bartholdt, Vollmer and Lobeck will avail them nothing. Such epithets as 'liar' and 'scoundrel,' which they find it convenient to utter in the shelter of the House of Representatives, have become a sort of Iron Cross which Pan-Germans bestow upon their opponents and are gratefully accepted as such. It is amazing to find that these Pan-Germans in Congress have been driven to such desperate devices as actually to try to deceive the House of Representatives concerning the tenor and effect of the German citizenship law, the text of that law, which was adopted by the Reichstag and Bundesrath and signed on July 22, 1913, by the German Emperor at Balholm on board the yacht Hohenzollern, is found in the supplement of the

American Journal of International Law of July, 1914. Paragraph 2 in Article 25 of that law reads as follows:

" 'Citizenship is not lost by one who, before acquiring foreign citizenship, has secured on application the written consent of the competent authorities of his home State to retain his citizenship. Before this consent is given the German Counsel is to be heard.'

Secret German Allegiance.

"That same law has provisions whereby one who, like Mr. Vollmer, was born in Iowa of a German father, may secretly contract German allegiance without establishing a German residence. These provisions are contained in Article 13, sanctioning the re-Germanization of 'a former German who has not taken up his residence in Germany,' with the proviso: 'The same applies to one who is descended from a former German or has been adopted as a child of such.'

"There is reason to believe that the law merely sanctioned an existing practice. Now these Congressmen even deny the existence of such a law.

"According to the newspapers Mr. Bartholdt made yesterday the following statement concerning the effect of that law:

" 'The facts are simply these: Germany, like every other country, has a law which makes it possible for those who are away from the Fatherland to retain their citizenship by reporting within ten years to a German Consul, but when so reporting they must make oath that they have not acquired or taken steps to acquire citizenship in any other country.'

"Let unhyphenated Americans compare Mr. Bartholdt's words with the words of the law and judge for themselves whether Mr. Bartholdt was or was not endeavoring to deceive his colleagues in the House of Representatives concerning a mat-

ter of vital consequence to the American Government.

"Mr. Bartholdt makes a denial that he has been conferring with the German Ambassador, a charge that has not been made, but he cannot and does not deny the fact that his activities as a Congressman dovetail with those of the German Ambassador.

Alleges Work for Germany in House.

"The newspapers have published during the last week items to the effect first, that the German Ambassador has charged American manufacturers with delivering dumdum bullets to the British Government by the million; second, that the American manufacturers named by the German Ambassador have absolutely denied that there is any truth in his assertion and have invited him to retract it or furnish proof; third, that the German Ambassador replied that he had the proof, but has not furnished it. While this was going on Representatives Bartholdt, Vollmer and Lobeck were actually engaged in their endeavor to line up the German Americans behind the attempt to force through Congress legislation the effect of which would be practically to enlist the services of the United States as the ally of Germany, Austria and Turkey. It is a fact of public notoriety that in that endeavor they are enjoying the active support of Mr. Viereck, editor of an organ which may be regarded as the mouthpiece of an invisible government established by Germany in these United States to rule over the German American population, the head of which is Mr. Bernhard Dernburg, former German Cabinet Minister, now acting as a sort of local viceroy over numerous organizations in this country embraced in the Deutsche Americanische Verbund.

"Let us take this opportunity to assure these German American representatives that the view

which I have expressed and am expressing I hold very positively in my personal capacity as an unhyphenated American citizen, and that in any event I do not draw pay from the Treasury of the United States for the purpose of doing in this country the labor of love which consists in opposing agents of Pan-Germanism in Congress who draw pay from that Treasury. My sentiments in that respect do not differ in any wise from those of practically all Americans who do not come under the effect of the German citizenship law to which reference has already been made, and I shall continue as long as necessary to do my share toward defeating every endeavor to use this country and the influence of its Government for distinctly German ends, all vituperation from this German trio of Congressmen notwithstanding.''

REPRINTED FROM THE N. Y. SUN OF DECEMBER 21, 1914.

GERMAN REPLY TO LEON.

Embassy at Washington Explains the Citizenship Problem.

WASHINGTON, Dec. 20.—The German Embassy to-day came to the defence of Representatives Bartholdt, Lobeck and Vollmer, who were severely criticised by Maurice Léon of New York in a statement published in *The Sun* on December 15, because of the bills introduced by them to prohibit the exportation of war materials.

Mr. Léon was quoted as saying that under German law a German subject in the United States might become a naturalized American citizen and retain his German citizenship provided he obtains consent to do so from a German Consul in this country.

At the embassy it was declared that Mr. Léon had misstated the effect of the new German law regarding naturalization and that under no circumstances could the law affect the citizenship of the members of Congress named, because it did not go into effect until January 1, 1914.

The law referred to by Mr. Léon is declared by the embassy to be as follows:

"A German who has neither his domicile nor his permanent abode within the empire loses his (German) nationality upon the acquisition of a foreign nationality provided such acquisition takes place upon his application or (in case of married women or minors) upon the application of the husband or legal representative.

"However, a person who before acquiring a foreign nationality has received upon his application the written permission of the (competent) home authority (of his native State) that he may retain his (German) nationality shall not lose it. Before such permission is granted the (competent) German Consul has to be heard (on this case).

"The Chancellor with the consent of the Bundesrat may decree that the above mentioned permission be generally withheld with regard to persons who desire to acquire the nationality of certain foreign states."

The wording of the law, it is declared at the embassy, leaves no doubt about the general rule that a German subject who voluntarily acquires a foreign nationality loses thereby his German nationality. As for the exception from the general rule it deserves to be mentioned that not the German consular officers abroad, as Mr. Léon alleges, but the competent home authorities, after hearing the competent Consul's opinion on the particular case, have the power to permit a German contemplating naturalization in another country to retain his German nationality.

Such permission, it is stated, can be granted

only since January 1, 1914, to Germans before they have taken out their naturalization papers in another country, not after they have already become citizens of another State.

"With this," the embassy states "Mr. Léon's allegations with regard to certain American citizens of German descent who for decades have lived in this country fall absolutely to the ground."

REPRINTED FROM THE NEW YORK SUN OF DECEMBER 22, 1914

UNSAFE TO NATURALIZE GERMANS, SAYS MR. LEON.

Replies to Embassy's Explanation of German Law of Allegiance.

Maurice Léon of 60 Wall Street, replying last night to the statement issued by the German Embassy in Washington on Sunday in defence of Representatives Bartholdt, Lobeck and Vollmer, said:

"The German Embassy does not deny, but on the contrary expressly admits, the existence of the German law whereby a German subject about to apply for naturalization in a foreign country may make an arrangement with the German authorities whereby his oath of allegiance to the country for whose nationality he is about to apply is treated as a scrap of paper.

"The only contention made is that the law went into effect on January 1, 1914; that it has no retroactive application; hence, that Representatives Bartholdt, Lobeck and Vollmer could not under that particular provision of Article 25 have retained their German allegiance.

"But what the embassy's statement overlooks is that in the same law there is another provision, namely Article 13, whereby a former German or the descendants of a former German (without limitation as to the number of generations between the descendants and the German father) may without the establishment of a residence in Germany acquire German nationality.

"Another consideration applicable to Article XXV. is that the question whether or not it is retroactive does not in any wise meet the objection that it provides for a surreptitious retention of German nationality by a covenant to which the German Government is a party, in the making of which German Consuls, enjoying our hospitality, are expressly provided to intervene, which covenant is entered into in express contemplation of the taking of an oath which is absolutely inconsistent with any retention of the prior nationality. The oath of allegiance provided for by our laws is to the effect that the applicant forever forswears all allegiance to his country of origin.

"Upon the very showing of the German Embassy we would not be safe in extending naturalization to any German while the German law which went into effect on January 1, 1914, remains in force."

REPRINTED FROM THE NEW YORK SUN OF DECEMBER 23, 1914.

THE UNITED STATES AND THE GERMAN DUAL CITIZENSHIP LAW.

(Editorial)

Much as Maurice Léon may differ from the German sympathizers with whom he has recently been in controversy, they are in agreement on one point of vital interest to Americans. It is that under certain circumstances a German may obtain

citizenship in a foreign country without forfeiting his citizenship in Germany. Mr. Léon quotes the law of July, 1913, as it appeared in the *American Journal of International Law* for July of this year:

"Citizenship is not lost by one who, before acquiring foreign citizenship, has secured on application the written consent of the competent authorities of his home State to retain his citizenship. Before this consent is given the German Consul is to be heard."

There is no question of Germany's entire competence and right to make this arrangement for her sons domiciled in foreign lands. The conservation of her political interests is a matter for her own wisdom and prevision. But the effect of such a law on the citizenship of this country is a subject that must engage our earnest study, and if necessary cause the revision of our naturalization system to prevent the erection within our citizenship of a class of fraudulently hyphenated Americans unlike any heretofore existing.

Under our liberal practice an invitation is given to all men of good disposition to acquire citizenship. The alien, on filing his declaration, must take oath that it is *bona fide* his intention to become a citizen of the United States and to renounce forever all allegiance and fidelity to any foreign State or ruler, and particularly to that one of which he may be a citizen or subject. Similarly, on the application for admission the alien must make oath that:

"He will support the Constitution of the United States, and that he absolutely and entirely renounces and abjures all allegiance and fidelity to every foreign prince, potentate, State or sovereignty; and particularly, by name, to the prince, potentate, State or sovereignty of which he was before a citizen or subject."

It will be seen that this oath is as searching and

inclusive as it well could be. The renunciation is forever, absolute and entire. No provision is made for a temporary or limited renunciation; the possibility of a dual citizenship, or subject-citizenship, is not contemplated by the law. Such a division of loyalty, such a commingling of allegiances, as the retention of foreign citizenship in company with American citizenship, as might be accomplished by a German under the terms of the law quoted by Mr. Léon, would be repugnant to American institutions, subversive of American interests and against our public policy.

That an honorable man could subscribe to the oaths required while reserving his original citizenship through formal arrangement with his native Government is incredible. For the detection of dishonorable men who might attempt such an abuse the examination as to fitness to which each applicant is subjected offers ample opportunity. Should citizenship be acquired by fraud, such as false swearing, it may be revoked. Yet there appears to be no provision in our law to meet the exact conditions rendered possible by the German statute. Apparently the French have found themselves without a suitable remedy for the same situation, and their Government has taken steps to provide means for the cancellation of "naturalization papers granted to any person who shall have kept his original nationality."

BELGIUM.

REPRINTED FROM THE NEW YORK SUN OF AUGUST 30, 1915.

Mr. Leon Comes to Colonel Roosevelt's Assistance.

(Editorial)

Perhaps the most positive and persistently unqualified statement that Colonel THEODORE ROOSEVELT ever made and reiterated over and over again is that the United States has by treaty guaranteed the inviolability of Belgian territory and is therefore now in the shameful position of a repudiator of contract engagements through the failure of the Wilson Administration to intervene to prevent the German invasion, or, if too late for that, to join in the attempt to drive the invaders out. This assertion is the peg upon which hangs at present the Colonel's entire political stock in trade. His denunciation of the President for failing to do "our bounden duty" to Belgium is supported only by a vague reference to something which he believes is specified in one of the conventions adopted at The Hague. When asked to point out the particular section or article or even convention warranting his invective the Colonel's energy gyrates in another direction.

Perhaps even more surprising that Colonel Roosevelt's own default in the matter of exact citation is the failure of any of his multitudinous admirers to hasten to his assistance with chapter and verse. The nearest approach to first aid for Colonel Roosevelt, singularly enough, comes from Mr. Maurice Léon, a jurisconsult whose avowed partisanship and natural bias in matters concerning the European combat is in good measure balanced by his individual qualities of perception and candor. Mr. Léon writes to us as follows:

"May there not, on consideration, be a good deal to be said in support of the position taken by Mr. Roosevelt? The treaty in question is the fifth convention of The Hague, adopted in 1907, the first two articles of which are these:

" '1. The territory of neutral Powers is inviolable.'

" '2. Belligerents are forbidden to move troops or convoys of either munitions of war or supplies across the territory of a neutral Power.'

"Germany and the United States are parties to this treaty, but, according to *The Sun,* it is not binding on any of them as to Belgium because Serbia, a belligerent in the present war, is not a signatory of the convention, which fact is supposed to bring into operation the following article of the treaty:

" '18. The provisions of the present convention do not apply except between contracting Powers and then only if *all* the belligerents are parties to the convention.'

"Hence, in *The Sun's* view, Germany was not bound by that treaty to respect Belgium's neutrality, however true it may be—as in *The Sun's* opinion it undoubtedly is—that she is so bound by treaty stipulations to which the United States is not a party, as also by every rule of international decency. And hence further the argument is that if Germany was not bound by the terms of that treaty to respect Belgium's neutrality, the United States in its turn was not bound by the terms of that treaty to make Germany respect Belgium's neutrality."

This is a fair statement, thus far, of a fact first pointed out by *The Sun* nearly a year ago, namely, that the provision of a treaty suspending its obligations under specified conditions is as valid and as binding upon the parties to the contract as any provision which it suspends. We should be slow to believe that Colonel Roosevelt is basing his

violent assertions on so sleazy a texture of contractual obligation as that which Mr. Léon generously produces in his behalf. It must be some other part of this Fifth convention, or some part of some other convention, that the Colonel has vaguely in mind.

But Mr. Léon's chivalry does not fail him even on uncertain ground. He goes on to say:

"The reasoning may be claimed to be logical as far as it goes, though all will admit somewhat narrow. But it overlooks a fundamental proposition which holds as true as between nations as it does between individuals in their contractual obligations, namely, that none may set up his own wrong as a defence. Germany says in effect: 'Serbia, a non-signatory, is a belligerent, hence I am not bound by that treaty in the present war.' In other words it would be in any case, and was in this case, only necessary for Germany to study the situation and pick out a non-signatory to be attacked, thereby to relieve herself of the obligations of that contract. Is it conceivable that such procedure is within the scope and intent of the treaty?"

Perhaps so and perhaps not; but, with all the respect that is due to Mr. Léon's candor and penetration, let us ask what that question has to do with the "bounden duty" of the United States to enter a European struggle to prevent or punish the invasion of territory neutralized not by a convention of The Hague but by special treaties to which we are not a party? The important distinction between neutral territory, in the sense of the convention of The Hague, suspended as to Belgium by the belligerency of Serbia, and territory neutralized, and in the case of Belgium guaranteed by the Prussian treaty, which Germany violated, has not been more clearly pointed out than by the editor of the *North American Review* in the May number:

"The neutrality of *neutralized* States is a mat-

ter of conventional agreement between Powers who are more or less interested in preventing the State from being absorbed politically by any Power, or from becoming a base of military operations, or from otherwise assisting neighboring rival States. The agreement *imposes* a condition of permanent neutrality. It is, in fact, a guarantee, not only by the neutralized State that it will not engage in aggressive warfare, but also by the other parties to the treaty that it shall not be attacked by any of them."

The United States, of course, neither by any special treaty nor by any convention of The Hague is a party to the neutralization of Belgium or a guarantor of her neutrality. The writer in the *North American Review* continues:

"It would manifestly be improper and presumptuous for this Government to complain of the violations of such a treaty of neutralization to which it was not a party in any sense. * * * It is not necessary to examine into the question as to whether these treaties [of The Hague] were in force by virtue of all the belligerents being parties, for the reason that, quite contrary to Mr. Roosevelt's definite assertion, *no Hague conventions were violated by the German invasion of Belgium.*

"It is admitted that if Germany before invading the territory of Belgium had declared war upon that country, the latter would have become impressed with the character of a belligerent, to whom the provisions of Article 1 of Convention V. and Article 1 of Convention XIII., relative to the inviolability of neutral territory, would not be applicable; and that, having exercised this sovereign right Germany could not be charged with violating neutral territory in contravention of the terms of the Hague convention; but the fact that this is what happened is commonly ignored. Nevertheless, the published diplomatic correspondence shows that Germany did declare war

by ultimatum and that a state of war actually existed between Germany and Belgium before German forces penetrated into the territory of the latter country."

This state of war was brought about between Germany and Belgium in precisely the manner prescribed by Article I. of Hague Convention No. III. of 1907. The German Government presented to Belgium a note proposing that German troops have free passage through Belgian territory, and threatening, in case of refusal, to treat Belgium as an enemy. Belgium refused, with full knowledge that the consequence would be war with Germany. Thereby she lost her neutral character —in the sense of the conventions of The Hague— and by operation of the ultimatum became a belligerent. After this status in the relations of the two countries was reached a state of war existed and German forces began the invasion of Belgium. That Germany was violating Prussia's agreement *neutralizing* Belgium is another matter, with which we have nothing to do.

We commend this acute and conclusive reasoning not only to Mr. Léon but to all who have been influenced by Colonel Roosevelt's nebulous accusations.

Moreover, we call the attention of such investigators to the main fact, underlying every other consideration of national duty, that when this Government began to associate itself with the European signatories and ratifiers of the several conventions of The Hague we did so with the express reservation and notification to all concerned that "nothing contained in this convention shall be so construed as to require the United States to depart from its traditional policy of not intruding upon, interfering with or entangling itself in the political questions of policy or internal administration of any foreign State."

And President Wilson has omitted in the case of Belgium no action required of our Government by any engagement undertaken at The Hague.

REPRINTED FROM THE NEW YORK SUN OF SEPTEMBER 2, 1915.

The Monroe Doctrine Reservation.

(Editorial)

We cannot permit Mr. Maurice Léon, with all his candor and intelligence, to take out of Colonel Roosevelt's mouth the defence and explication of the Colonel's repeated statement about the "bounden duty" of this Government with regard to the violation of Belgium's neutrality.

Accordingly, we confine ourselves to exhibiting a single extract from a second communication which we received by telegraph on Monday from Mr. Léon on this subject. His remarks refer to what *The Sun* has said about the American reservation with regard to the Monroe Doctrine:

"A declaration made at The Hague in behalf of the United States is cited as putting the world on notice that this country adhered to its traditional policy of non-entanglement and non-intrusion.

"It is sufficient to say in reply that that declaration, made after American intervention in China during the Boxer trouble, can hardly have been understood by any one to mean that the United States should be expected to omit every word or act necessary thereafter to secure compliance with the rules of international decency codified at The Hague; for otherwise, was not adherence by the United States to the convention an empty formality, mere lip service intended as a forerunner of the policy of emitting words and omitting acts in everything that pertains to international affairs inaugurated under the Bryan régime?—a notion utterly inconceivable in 1907, as I call upon *The Sun* to bear witness."

No, Mr. Léon, it is not sufficient to say that in reply.

It cannot be that Mr. Léon really means that

the Monroe Doctrine declaration or reservation was made after American intervention in China at the time of the Boxer troubles. His knowledge of chronology is too accurate to permit that supposition. He must be aware that our march to Pekin occurred in August, 1900, and that the aforesaid declaration, limiting our responsibility and "bounden duties" under the conventions of The Hague, was first spread on the minutes of the conference more than a year earlier, on July 25, 1899.

Perhaps what Mr. Léon does intend to say is that after our march to Pekin nobody can suppose that the Monroe Doctrine declaration means what it declares. We cannot agree with him. It was reiterated with deliberate intention and undiminished force long after the march to Pekin, namely, in October of 1907, when the American delegates signed the first of the second series of conventions of The Hague and by the Senate of the United States on April 2, 1908, in ratifying that convention.

The reservation is as much a part of our treaty engagements as any section of any article of any convention of The Hague.

Mr. Maurice Léon ought to be told these facts if they have temporarily escaped his memory. He ought to know that the Monroe Doctrine reservation was a general reservation, expressly intended to disclaim responsibility for and avoid entanglement in just such questions of foreign policy as the guarantee of Belgian neutrality by several European Powers.

Our march to Pekin to rescue our embassy and assert our treaty rights in China had no more to do with our "bounden duty" under the conventions of The Hague than the military operations of Julius Cæsar against Vercingetorix in 52 B. C.

But, as we have already remarked, The Sun cannot allow even Mr. Maurice Leon to take out of the Colonel's mouth the words for which the country is waiting.

REPRINTED FROM THE NEW YORK SUN OF SEPTEMBER 8, 1915.

Mr. Maurice Leon's last word for the Colonel.

To the Editor of The Sun—*Sir:* No one contends that the United States is a guarantor of the neutralization of Belgium, whether by the treaty bearing the signature of a King of Prussia since dishonored by his heirs or by any other treaty; nor that the United States ought to depart from the Monroe Doctrine.

I have argued that the Fifth convention of The Hague was binding on Germany notwithstanding the belligerence of Serbia and Belgium, and am glad to note that *The Sun* does not further uphold what the editor of the *North American Review,* misled by a notion of literalistic attorneyship, said in support of the right of a contractant to release himself by his own wrong from an obligation which but for that wrong would admittedly be binding on him.

Practically the whole civilized world subscribed at The Hague to the principle, there clearly formulated, that the territory of a neutral Power is inviolable and may not be traversed by armed forces and convoys.

Colonel Roosevelt has asserted that it was the "bounden duty" of the United States to uphold that principle in the face of a flagrant infringement so far reaching as to threaten an era of worldwide international anarchy.

The Sun's position in the last analysis is that the United States is warranted in relying upon a thrice recorded declaration of adherence to traditions of American aloofness as justification for failure to oppose that infringement.

There is much to be said in support of either proposition, but I wish to be recorded as still siding with the Colonel, if *The Sun* cares to do the recording.

Westport, September 3. Maurice Leon.

A WEAPON AGAINST GERMAN POLITICAL PLOTS.

REPRINTED FROM THE BROOKLYN DAILY EAGLE OF SEPTEMBER 5, 1915.

ARE FRIENDS OF PEACE REAL PEACE MAKERS?

The Pro-German Organization Now in Session in Chicago and the Part Some of Its Members Took in Attempting to Discredit the President of the United States and Spread the Teutonic Propaganda Against the Welfare of This Country.

By Frederick Boyd Stevenson.

Maurice Léon of 60 Wall street has formulated for The Sunday Eagle, in the form of a tentative brief, a list of the issues by which may be determined the extent of the liability of German propagandists in this country to punishment under the Federal law. Mr. Léon is a lawyer of long experience, whose specialty is the branches of international law and the conflict of laws. He cites a provision of the Federal Statutes contained in section 5 of the act of March 4, 1909, which reads as follows:

"Section 5. (Criminal correspondence with foreign governments.) Every citizen of the United States, whether actual resident or abiding within the same, or in any place subject to the jurisdiction thereof, or in any foreign country who without the permission or authority of the Government, directly or indirectly, commences or carries on any verbal or written correspondence or intercourse with any foreign government or any officer or agent thereof, with an intent to in-

fluence the measures or conduct of any foreign government or any officer or agent thereof, in relation to any disputes or controversies with the United States, or to defeat the measures of the Government of the United States; and every person, being a citizen of or resident within the United States or in any place subject to the jurisdiction thereof and not duly authorized who counsels, advises, or assists in any such correspondence with such intent shall be fined not more than $5,000 and imprisoned not more than three years; but nothing in this section shall be construed to abridge the right of a citizen to apply himself or his agent to any foreign government or the agents thereof for redress of any injury which he may have sustained from such government or any of its agents or subjects. (35 Stat. L. 1088.)

Mr. Léon says: "This statute enables the Federal authorities to visit punishment upon every citizen of the United States who directly or indirectly commences or carries on any verbal or written correspondence or intercourse with any foreign government or any agent thereof with an intent to defeat the measures of the government of the United States. It also applies to every person residing within the United States, even though of alien nationality who 'counsels, advises, or assists in any such correspondence with such intent.'

"These provisions, given force in their letter and spirit, should enable the American government effectually to break up the widespread German conspiracy against the United States, directed and financed by persons of alien nationality, and participated in by persons owing allegiance to the United States.

"It would be a high misdemeanor, namely, an offense for which impeachment is provided by the Constitution, for the President to suspend the operation of that statute, when its enforcement is

vital to the security of the nation. The law grants the President, through the machinery of the Department of Justice the power, and therefore, imposes upon him the duty to act. He has no choice in the matter. He is sworn to enforce the laws of the United States.

"Nor does the Department of Justice require any particular instructions from the President in order to enforce the law. It is sufficient that evidence is available indicating with sufficient clearness that a number of our citizens and certain aliens residing in the United States have combined to uphold a foreign government in relation to its disputes and controversies with the United States to make it the imperative duty of the Attorney General of the United States and of the various United States Attorneys to take the steps provided for by law in the premises.

"A vast network of political and military espionage has been spread over the United States, the true ultimate aim of which is to undermine the power of the United States. This system should not have been allowed to develop. Now it must be broken up. Delay is bound to make the task harder. Disloyalty is being stimulated by contempt for a government which seemingly knows not how to defend itself at home against alien machinations intended to break down its vitality.

"Germany, and the gang she has set lose in this country, will not believe that it is dangerous to conspire against the United States unless and until the gang is jailed."

Tests to Find How the Law Has Been Violated.

"In order to determine against what persons this statute is applicable it is necessary to apply the following tests," said Mr. Léon: First, as to the citizens of the United States. I should seek to determine these issues:

"(a) Have citizens of the United States commenced or carried on any verbal or written correspondence or intercourse, directly or indirectly with a foreign government or any officer or agent thereof?

"(b) Have they done so without the permission or authority of the Government of the United States?

"(c) Have they done so with an intent to influence the measures or conduct of such foreign government or of any officer or agent thereof, in relation to any disputes or controversies with the United States—for example, have the natural and probable consequences of their acts, which the law says establishes a conclusive presumption of their intent, been such as to lead the foreign government or its agents to rely upon the support of such American citizens being expressed in its favor and in opposition to the American Government in such disputes and controversies?

"(d) Are Messrs. ——— (certain prominent pro-German propagandists, native and hyphenated) citizens of the United States?

"(e) Are Count Bernstoff, the German Ambassador, Captain Boy-Ed, Naval Attache of the German Embassy, Geheimrath Heinrich Albert, commercial (and financial) attache of said Embassy, agents of the German Government?

"(f) Did a dispute or controversy arise between the German and American Governments by reason of the killing of American non-combatants on the Lusitania?

"(g) Did Messrs. ——— (the same pro-German propagandists of American nationality) and other persons have verbal or written correspondence or intercourse, directly or indirectly, with Count Bernstoff, Captain Boy-Ed, Geheimrath Heinrich Albert, or any of them, or any other public agent, or any secret agent of Germany with regard to the Lusitania matter, or with regard to

the adoption of an arms embargo by the United States, or with regard to the right of American citizens to travel on merchant ships irrespective of their being neutral or belligerent ships?

"(h) Was the natural and probable consequence of such direct and indirect, verbal or written correspondence or intercourse to lead the German Government to rely upon the support of Messrs. ——— (the names of the prominent American pro-German propagandists are again repeated) or any of them, in one or another of the different phases of the disputes or controversies which have arisen between Germany and the United States?"

The Record at Washington after Eighteen Months of War

ACTS AND OMISSIONS DETRIMENTAL TO PEACE AND INTERNATIONAL JUSTICE

(Hitherto published in pamphlet form only)

ACTS AND OMISSIONS DETRIMENTAL TO PEACE AND INTERNATIONAL JUSTICE.

The arch enemy of peace and international justice is the German Emperor by common consent outside his dominions and those of his vassals. Having plunged the world in war he has taken successively every initiative against human rights of which there is a record. His opponents are known; they have their friends in every country where freedom and justice are prized. But in every such country men are to be found, some in the highest places in the government, in business, at the bar, in the universities, (also women in philanthropic institutions who are agents of men of wealth) all with fine words constantly flowing from their lips concerning peace justice, patriotism, but whose actual course for one reason or another has been such as to aid the War Lord in his projects. Some of these men are in Greece, others in Scandinavia, but the foremost of them is right here in the United States.

(1) Woodrow Wilson appointed as his Secretary of State William Jennings Bryan who upon taking office on March 4th, 1913 announced that while he remained in the State Department the United States would not declare war under any circumstances, thereby giving Germany a direct encouragement to launch her carefully prepared war to which this pledge of non-intervention by the Secretary of State of the United States was all but essential. That guarantee has been duly kept and this toward a power whose whole policy is to obliterate by the sword not alone whole peoples but also that precious inheritance of humanity, the law of nations.

(2) When the threat of war actually arose in July, 1914, Great Britain, in a last effort to avert the conflagration, proposed a four-power mediation to adjust the differences which had arisen between Russia and Austria over the latter's de-

clared resolve to wipe out the independence of Serbia. When Germany objected to the "form" of this solution Great Britain's answer was "make it any form you like" and that any form of peaceful solution would be accepted. In this Great Britain was upheld by France, Russia and Italy, and even Austria was being won over. If ever there was a time for the United States to come forward as the "spokesman of humanity", it was then. Four agonizing days passed, during which American diplomacy remained deaf, dumb and blind. Thereupon the die was irrevocably cast by Germany declaring war on Russia and invading Belgium and France. Not until it was too late did Woodrow Wilson decide that humanity needed him as spokesman; on August 6th, 1914, having first proclaimed the neutrality of the United States as between Germany the aggressor and Belgium its victim, he dispatched to the European powers a note offering his good offices to prevent a conflict which was already under way;—the first of his memorable series of futile notes!

(3) During those four agonizing days when an offer of America's good offices would in all probability have turned the scales in favor of peace, holding as it would have done before the German Emperor and his general staff the prospect of a United World Democracy ready to resist the self-anointed War Lord in his purpose to crush out freedom first from Europe, then from the world, what was Woodrow Wilson doing? Under the guidance of William G. McAdoo, he was bending all his energies towards assuring representation for the German Financial General Staff on the Federal Reserve Board. A superlatively adequate "expert" representation which incidentally constitutes an excellent precedent for the giving of like representation to the General Staff presided over first by Von Tirpitz and now by Von Holtzendorff on the U. S.

Naval Board of Strategy and to the General Staff presided over first by Von Moltke and now by von Falkenhayn, on the U. S. Army Board of Strategy! This precedent was finally established by and with the unwilling consent of a bewildered Senate on July 31st, 1914 a few hours before Germany's declaration of war against Russia, the prospect of a European war being urged in favor of the appointment when that prospect should have been urged as sufficient reason for withdrawing it.

(4) It followed as night follows day that the Treasury Department would prove as deaf, dumb and blind before the prospect of violations of American neutrality as the State Department had been before the prospect of war. Mr. McAdoo allowed the Kronprinz Wilhelm to sail on the night of August 3rd,—three days after Germany's declaration of war against Russia and six hours after that against France had been announced in New York and Washington,—the ship's regular "peace" crew with which she arrived replaced by a special "war" crew of German naval reserves organized on American territory; and though the destination on her clearance papers was Bremen, she had enough coal on board to go to China, as also certain "long boxes" placed on deck at the last moment while the reporters were being "shoo'ed" off the dock. A few days later she transferred part of her coal to the Cruiser Karlsruhe and proceded on a commerce-raiding career which presents a striking parallel to that of the "Alabama"; finally, she returned to the United States without having touched at a German port; instead of libelling her and placing her officers and crew under arrest for conspiracy against the United States, she was "interned"; since that time a number of her officers and crew have broken their parole, nor would it be a violent presumption that they have since engaged in fur-

ther conspiracies against the United States, it having been proved to them that they could do so with safety. Have not some of them been arrested while employed in munitions plants?

Another and far-reaching conspiracy against the United States which Germany financed through Boy-Ed and the Hamburg Line was carried out without hindrance by the treasury authorities; it resulted in aid being given to commerce raiding in the Atlantic while the German squadron operating in the Pacific was helped to destroy the British warships commended by Admiral Craddock; nothing was done in the matter until overwhelming proof of the conspiracy was gathered and furnished to the Department of Justice by agencies other than the Treasury Department, which remained quiescent throughout.

(5) The trial of the Hamburg Line officials has revealed that Boy-Ed received for these purposes in August and September, 1914, Fifteen hundred thousand Dollars remitted through the Hamburg Line and Seven hundred and fifty thousand Dollars remitted through one Kulenkampf. It is of record that during that very period McAdoo was advocating before Committees of Congress the purchase of the German ships held in the American harbors, giving false assurances—I mean assurances which he knew to be false—against diplomatic complications in the event of their purchase as the nucleus of a government-owned (hyphenated) American merchant marine. It is also of record is that a determined attempt was made coincidently with McAdoo's entry in the arena as promoter of a government-owned merchant marine and before the remittances from Germany aggregating $2,250,000 reached Boy-Ed, in August and September, 1914, to create an American interest in favor of having these ships purchased by the American government while at the same time providing Boy-Ed with the funds which he need-

ed, which would render unnecessary the remittances from Germany which, the plan failing, were necessarily, subsequently made. The plan contemplated a loan on the German ships in American harbors by American lenders who were to receive not only a handsome return in the shape of liberal interest and a substantial bankers' commission, but, and that is the milk in the particular cocoanut, a large extra commission out of the purchase price of any ship sold; nor was this to be compensation for a reduced security through release of the ship from the lien, for it was specially stipulated that other ships of like value were to replace any ships withdrawn through sale. The evidence concerning this extraordinary feature of the proposition comes from three independent, original sources and its accurracy is unimpeachable. These negotiations, which failed because the Americans approached would not participate, were conducted in behalf of the Hamburg Line—with which the family of the member of the German Financial General Staff who is McAdoo's Mentor is intimately connected as is the Kaiser,—through William G. Sickel, assisted by Messrs. Charles S. Haight and Carl Lincoln Schurz. At the Congressional inquiry no serious effort was made to get at the real significance of this attempt. Theodore Roosevelt spoke the absolute truth in relation to the matter.

(6) On May 1st, 1915 the German government, usurping on American territory the functions vested in the government of the United States and in contempt of the most elementary rule of international usage sought to exercise jurisdiction over the people of the United States by laying down rules governing them in their selection of ships and sea routes when travelling over an ocean which is as much America's as Germany's. This proclamation of a foreign government threatened the American people with punishment for a vio-

lation of those rules. The agent through whom the usurping was done and who paid the expense of promulgation of the German decree in America was still in Washington when the threat of punishment in the decree was carried out, a week later. He is still there. A few days after the punishment was inflicted, he was received with honor at the White House. Lately he was the guest of honor at a banquet given in the White House, almost coincidently with the birthday of his imperial master, the Chief Murderer, which called forth congratulations from that same White House. And the German decree promulgated in the United States on May first 1915 is still in force in this country today, January 31st, 1916.

(7) Not only is that decree in force, but it has been practically countersigned by Woodrow Wilson within the last few days; acting through his secretary Lansing he has declared his readiness to connive at the perpetual enforcement of that decree through the adoption of the very pretext which the Chief Murderer and his envoy set up for the destruction of the Lusitania and Arabic; although both unarmed, they were classed by Germany as "cruisers". The envoy bolstered up the pretext by affidavits filed with the State Department. When their falsity was exposed there remained the pretext that the Lusitania carried some ammunition in her freight, and that the Arabic was to bring some on her return voyage. Noting the character of "strict accountability" and the value of the engagement "not to omit any word or act" necessary to secure redress of the most grievous wrongs and after proof of the shelling of the Ancona's passengers in their lifeboats, Great Britain and Italy allowed their merchant vessels to mount guns for such defense as was possible against the unquestionable pirates whose like have not been met since those of Algiers were subdued by the United States. And now Wood-

row Wilson, betraying his own previous declarations in support of the rules of international law which all nations recognized prior to August, 1914 and which all except those responsible for the present condition of Belgium, Poland, Serbia and Armenia still recognize, has calmly proceeded to invite the league for the upholding of the law of nations to bargain away its rights in this respect under that law in return for a promise to respect other of its rights thereunder which promise is to proceed from the league for the obliteration of the law of nations. As an added inducement he announces that failure to accept such a bargain will result in the government of the United States after eighteen months of war, and after nearly a year of submarine murders, throwing overboard the law which it has upheld throughout its history concerning the lawfulness of arming merchant vessels for defensive purposes.

Assuming the requirements thus laid down were submitted to, such surrender would prove futile except as an encouragement to the submarines to do their worst, the pretext which would be advanced in the future being the old Lusitania one that ammunition on board a vessel makes her *ipso facto* a "warship". And the net result would be that still more innocent lives would be sacrificed to the War Lord, while Mr. Wilson stood by uttering "strong words" but not otherwise interfering. The next step would doubtless be the declaration of an arms embargo until the Allies agreed that merchant vessels, deprived of defense, should carry no "contraband" or no passengers.

(8) The "M. P." memorandum found in the portfolio of Bernstorff's assistant Albert reveals a conversation held with the President of the United States last summer in which the latter said that if Germany made a partial disavowal of the Lusitania, amounting to a "diplomatic victory" for Woodrow Wilson, he would deal very ener-

gerically with Great Britain in regard to the Allied blockade. Woodrow Wilson knows who M. P. is, so do others, and the fact that no one with those initials was appointed Counsellor to the State Department shows that in Woodrow Wilson's judgment a would-be diplomat should not be found out, especially when it involves the finding out of his chief. But for the existence of a letter written in February, 1913, confiding to him the fate of a second term, it would have gone hard with M. P.

(9) When the Persia was sunk and an American consular envoy died as also an American divine, and a number of women and children, the "Turkish submarine" solution was launched through the State Department. When that solution was rejected by a unanimous press, another means was found to throw the Persia case overboard, namely: through the bargain of the right to arm merchant vessels for defense against a "disavowal" of the Lusitania which however one can be sure will not involve the withdrawal of the Prussian order "pour le Mérite" bestowed on the commander of the submarine who made Bernstorff's warning good. (The Berlin Lokalanzeiger for May 9, 1915, contained the following characteristic comment: "We do not want any love among the Americans, but we do want respect, and the case of the Lusitania will win it for us better than a hundred victories on land.") Under that bargain Woodrow Wilson has "delivered the goods". He has furnished Germany with an estoppel to be set up against any American claims for the destruction of the Persia without warning, upon a theory founded upon the alleged vulnerability of present day submarines, which are no more vulnerable than and are fully as efficient as surface warships as were the surface torpedo boats of the Spanish-American war. In a day when the undersea

cruiser is no longer a dream but a reality, the law of nations is to be sacrificed because of a special vulnerability which is already non-existent, so as to make commerce destroying a safer occupation than it has ever been. All this in the name of humanity.

(10) In his most recent message to Congress the President of the United States spoke with scorn of the hyphenated citizen, the man who having acquired the American franchise organizes with others like him political associations whose object is pre-eminently to further the policies of foreign powers by subjecting candidates for office to a species of blackmail in the interest of such powers which in this way undertake to govern the policy of this country in matters of purely American concern—preparedness for example. But the aforesaid hyphenated element is led by agents of foreign governments who having taken Woodrow Wilson's measure long ago have defied him and on this occasion they did not mince their words. So he meekly sends his "warmest greetings" to a meeting not of "Americans" of whatsoever origin but of "Hungarian-Americans" exclusively, greetings which effect a withdrawal of the strong words of the presidential message, since they are a recognition of the right of citizens to organize politically on the basis of an allegiance which they expressly renounced on acquiring American citizenship. At that meeting resolutons were adopted which withheld unqualified approval of American preparedness against foreign agression.

All this is in reality in order that the alien trustee of the German voting trust may in due course cast the German vote in one ballot for Woodrow Wilson for president of the United States. One-tenth of all this would have sufficed to relegate any one of his predecessors to ignominious oblivion before the expiration of his term of office

through the machinery which the Federal Constitution provides to be used in such national emergencies.

On one occasion a well known man was asked in regard to some step taken by him, "Who do you represent?" His reply was: "Myself". That reply is mine now, should the question be asked of me.

I cast my first vote as an American citizen fifteen years ago a few months after reaching my majority, having previously lived here six years. I have lived here ever since, discharging my duties as a citizen to the best of my ability. Until this war showed the true character of the German vote and of the candidacies put forward to gain its support, it would not have occurred to me to withhold my vote from a candidate on the ground that he was of a German extraction or had the support of persons of German extraction. In fact I have repeatedly voted for such candidates and have in other ways given my support to elect them. In deciding to oppose Woodrow Wilson in 1912 I was actuated largely by apprehension of what Bryan might do as the indispensable prop of a democratic administration. For avoiding that pitfall I am devoutly grateful. It did not occur to me however that this country held a democrat capable of making Bryan appear almost respectable in comparison, because the latter at least is not the mere opportunist Woodrow Wilson has proved himself to be; because he is at least consistent and held on to his free silver doctrines when knowing that by doing so he was hindering the prospects of his second presidential candidacy; while Woodrow Wilson pledges away the honor of his country—for which he is at this very moment declaiming resounding sentences—in order to gain a second term of office. In casting my next ballot I shall be sensible of voting not only for myself but for my children who are descended

on their mother's side from Americans who were not too proud to fight, but took up arms and fought for the freedom of the land instead of contenting themselves with uttering brave words rendered meaningless by abundant proof that there is nothing back of them. That ballot will serve to neutralize at least one of those which will be cast in accordance with the directions of the German Ambassador, as payment for services rendered to Germany in her hour of need. Nor need we fear that it will come about that Bernstorff will as he hopes to do cast the deciding votes.

Who then is the chief betrayer of peace and international justice, the chief accomplice of the German Emperor, the misleader and demoralizer of neutrals in a struggle involving the survival of human rights? I have given the facts with only such primary deductions as are inescapable and submit the question as one worthy of close consideration.

MAURICE LEON.

Irvington, Westchester Co., New York,
January 31st, 1916.

"REPRISALS" AS BEARING ON THE LUSITANIA SETTLEMENT.

REPRINTED FROM N. Y. WORLD, FEB. 10, 1916:

Mr. Leon's New Mare's Nest.

To the Editor of the World:

The basis of the settlement of the Lusitania matter as just given out by the State Department begins thus:

"First—Germany, while considering reprisals against an enemy legal and knowing that the United States Government regards reprisals as illegal, admits that the attack upon the Lusitania was an act of retaliation that was not justifiable in so far as it involved the lives of neutrals, and also assumes liability for such loss of neutral lives."

This, if accepted, constitutes a pledge by the United States to Germany; that is, it is a deliberate acceptance of the proposition that "reprisals" are illegal.

The measures of the allies against German commerce on the high seas were announced as being and are "reprisals."

The bargain by which this last great diplomatic victory has been attained has been well known and is now made plain to all in writing. It is just such a bargain as the Administration announced repeatedly it would not make under any circumstances.

The Senate of the United States, in which the Constitution vests the real power over our foreign relations, should immediately take notice of this extraordinary bargain, which, if lived up to, will bring the United States into the war on the side of Germany.

New York, Feb. 9. MAURICE LEON.

[Mr. Leon is ingeniously, methodically and most successfully wrong in all that he says. The doctrine that reprisals are illegal, is American doctrine, not German doctrine. Germany sought to maintain the legality of reprisals even when neutral lives and property were incidentally destroyed, and the United States successfully resisted the contention.

The measures taken by the allies against German commerce are not reprisals and were never undertaken as reprisals, unless Mr. Leon, in the process of manufacturing his own international law, chooses to regard all military and naval operations in time of war as reprisals.

As for the "bargain" about which Mr. Leon is so excited, that too is a product of his personally conducted imagination.—Ed. World.]

REPRINTED FROM N. Y. WORLD, FEB. 15, 1916:

REPRISALS IN INTERNATIONAL LAW.

To the Editor of The World:

My attention is called to the editorial note which you subjoin in printing today my statement regarding the basis of the Lusitania settlement.

You are in error in stating: "The measures taken by the allies against German commerce are not reprisals and were never undertaken as reprisals." They are set forth in the British orders in Council made public March 15, 1915, which use in their preamble concerning the so-called war-zone decree of Germany the phrase, "such attempts on the part of the enemy give * * * an unquestionable right of retaliation," and continuing, state that it has "therefore" been "decided to adopt further measures in order to prevent commodities of any kind from reaching or leaving Germany."

You are also in error in stating: "The doctrine that reprisals are illegal is American doctrine," &c. Wheaton (see Part 4, Chapter II.) treats thus of what he terms "the right to reprisal or vindictive retaliation":

"The whole international code is founded upon reciprocity. The rules it prescribes are observed by one nation, in confidence that they will be so by others. Where, then, the established usages of war are violated by an enemy, and there are no other means of restraining his excesses, retaliation may justly be resorted to by the suffering nation in order to compel the enemy to return to the observance of the law which he has violated."

Abraham Lincoln promulgated on April 24, 1863 (Official Records, Series 3, III., 151), a code of war for the Union forces in which the following article is found:

"27. The law of war can no more wholly dispense with retaliation than can the law of nations of which it is a branch. Yet civilized nations acknowledge retaliation as the sternest feature of war. A reckless enemy often leaves to his opponent no other means of securing himself against the repetition of barbarous outrage."

Wheaton and Lincoln set forth "American doctrine" which I prefer to that of Wilson and Lansing which you adopt.

Lastly, as to the "bargain," my imagination, of which you say it is a product, was awakened by The World when it published the now famous "M. P." memorandum found in the portfolio of Count Bernstorff's assistant, Dr. Albert, reporting a conversation had by "M. P." with the President of the United States last summer in which the latter is credited with having said in substance that if Germany met him half way in the Lusitania matter he would deal energetically with the allied measures against trade with Germany. This disclosure stands unexplained either by "M. P." (who perhaps is known to The World) or by the White House. The truthfulness of the report by "M. P." appears corroborated by recent events, such as the efforts made to deprive merchant vessels of their means of defense against murderers and the newly revealed intention to give Germany a pledge to maintain a hostile attitude against the retaliatory allied measures against German commerce.

I concur in your statement that "Germany sought to maintain the legality of reprisals even when neutral lives and property were incidentally destroyed," and wish it might be true also, as you say, that "the United States successfully resisted the contention." But alas! it is not.

New York, Feb. 10. MAURICE LEON.

MERCHANT VESSELS ARMED FOR DEFENSE

REPRINTED FROM THE NEW YORK HERALD OF FEBRUARY 14th, 1916.

"INCENTIVE GIVEN TO MURDER TO INDUCE THE MURDERERS TO DESIST"

Such Is Present Policy of the Administration, Necessitated by Ambition for Second Term, Declares Mr. Maurice Leon, Who Says It May Bring United States Into War on the Side of the Turco-Teuton Coalition

Mr. Maurice Leon, international lawyer, of No. 60 Wall street, who is considered by many persons as an authority on foreign relations, has addressed an open letter to Senator Henry Cabot Lodge, protesting against the German and Austrian policy of treating as war ships all merchant vessels which are armed for defence purposes and citing what he declares is the law and the previous rulings of officials in Washington on such cases. He said that a precedent was established by Lincoln and Seward, when they during the civil war exacted of commanders of Union war ships that they adhere to the rules of stoppage and search. Mr. Leon's letter, which was dated yesterday, is as follows:—

"To Honorable Henry Cabot Lodge, United States Senate, Washington, D. C.

"Sir:—I am addressing you, since it has proved useless to address the administration, upon the need of its retracing steps which, if continued as they will be if the control which alone the Senate possesses in such matters is not exercised, will bring the United States into the war on the side of the Turco-Teutonic coalition. The counsel of the senior member of the Senate Committee on Foreign Relations, given at this time, would be of

inestimable value to the country. Many await it and are hoping you will not withhold it any longer.

"When, on the 27th ultimo, the press gave the first inkling of the administration's new departure, I sent Mr. Lansing a brief review of the cases in which the arming of merchant vessels for defense had been upheld by his predecessors and those of his chief. Because that right was exercised in the days of the Rebellion some Union war ships had found it safer to attack without warning merchant vessels carrying non-combatants than to comply with the rules of stoppage and search of merchant vessels, whether or not armed for defence. Lincoln and Seward exacted strict respect for these rules, although this meant greater risk for the Union navy. Today the rule is abandoned in favor of submarine cruisers, which are better equipped to observe it than were the surface torpedo boats of the Spanish-American and Russo-Japanese wars, which no one dreamed of relieving from the obligation to regard it.

"Every day that has passed since that first inkling came from Washington has made greater the determination to ignore an objection founded upon the abandonment of an American birthright. This because the objection is deemed to stand in the way of a second term. Instead it is sought to vindicate the proposition that the law governing the rights of merchant vessels in times of war ought to be revised to fit the uses and supposed limitations of the submarine; as an inducement to murderers to desist an incentive is to be given to murder through making it a safer and surer occupation. Thus is a second term to be attained.

"The Senate, as the supreme authority over our foreign relations, may well ponder this: if one of the laws of war, which are part of the law of nations, can be sacrificed in the midst of a great conflict, it is not true also that all the laws of war can be so sacrificed, with the result that a

neutrality, defended as enabling those who maintain it to preserve human rights, is used to aid those engaged in the abrogation of all human rights.

"Nothing more sinister has occurred in this country during this war than the issuance of the administration's note denying the right of merchant vessels to arm for defence, followed by the publication of the German and Austrian decree declaring that on and after March 1 merchant vessels availing of that right will be treated as war ships; namely, sunk without warning.

"Americans may well ask to what extent this is due to the existence of an occult link between the administration and the German Embassy in the person of William G. McAdoo and his rich pro-German associate. I refer to the financial expert who, on July 31, 1914, at the very moment Germany was launching her carefully planned war, relinquished outwardly, in order to enter the Federal Reserve Board, an acknowledged position as the chief representative in America of the German financial general staff, a position which admittedly entailed the functions of private financial adviser to the German Embassy, for which services he received the same reward in 1912—one year after his naturalization—which has just been bestowed upon Major von Papen for services the character of which is well known.

"The harm done may be undone in large part through adoption by the Senate of a resolution declaring the vicious note in question contrary to American policy. I hope this may be done before the situation becomes further aggravated.

"I am, sir, yours respectfully,

"MAURICE LEON."

AMERICAN PRECEDENTS CITED BY MR. LEON.

Herald Bureau, No. 1502 H Street, N. W.,
Washington, D. C., Sunday.

In connection with the statement made public in New York tonight by Mr. Maurice Leon, the Herald Bureau is able to supply a copy of the letter to Mr. Lansing to which he refers. This letter is as follows:—

January 27, 1916.

Hon. Robert Lansing, Secretary of State of the United States, Washington, D. C.:—

Sir—A Washington despatch published today on the first page of one of the leading New York newspapers states:—

"The German position is such that it had been shown a German submarine was responsible for the sinking of the P. & O. liner Persia, Germany would have regarded the attack as justifiable in the light of the evidence that the Persia mounted a 4.7 inch gun. Both Germany and Austria are disposed to contend that the arming of an enemy merchantman makes it virtually an auxiliary ship of war. The State Department, it is believed, is almost ready to take a similar view."

If the attitude of the State Department is correctly reflected in this despatch, it is not in accordance with that taken by the department under your predecessors and upheld by the courts of the United States. Mr. Gresham, Secretary of State, writing to the American Minister of Hayti on January 21, 1894, said:—

"A copy of your No. 23 of the 10th instant, in regard to the case of the American schooner Water Witch, which arrived in Haytian waters with two cannon and sixty pounds of powder on board, having been transmitted to the Secretary of the Treasury, that official has replied to your inquiry whether sailing vessels of the United States are allowed to carry any armament as ships' stores, or otherwise, that the laws do not

forbid the carrying of articles of the character mentioned, provided there shall be no violation of Chapter 67 of the Revised Statutes."

In United States vs. Quicy, 6 Pet. 445, it was held that the law does not prohibit armed vessels belonging to citizens of the United States from sailing out of our ports; it only requires the owners to give security that such vessels shall not be employed by them to commit hostilities against foreign Powers at peace with the United States (i. e., offensive as distinguished from defensive acts).

In Cushing vs. United States, 22 Ct. Cl. 1, and Hooper vs. United States, 22 Ct. Cl. 408, the seizure by France of an American merchantman and her condemnation was held not to be justified by the fact that she was armed for defensive purposes.

Other items published today indicate a general dread that the administration will forsake the burden of upholding neutral rights before the determination so abundantly manifested by certain of the belligerents to continue their lawless course toward non-combatants whenever and wherever superior force is not exerted in their protection. It is even said that the requirement of visit and search is to be waived, and the practice acquiesced in by which non-combatants are taken off merchant vessels at sea and placed in lifeboats.

If these items correctly reflect the present attitude of the State Department in the matter of visit and search and the safety of non-combatants at sea, that attitude is not in accordance with that taken by the department under your predecessors.

On August 18, 1862, Mr. Welles, Secretary of the Navy, issued instructions to naval officers which embodied rules transmitted by Mr. Seward, Secretary of State, by direction of President Lincoln. These instructions provided:—

"Secondly, That while diligently exercising the right of visitation on all suspected vessels, you are in no case authorized to chase and fire at a foreign vessel without showing your colors and giving her the customary preliminary notice of a desire to speak and visit her."

The United States' instructions to blockading vessels and cruisers during the Spanish-American War are contained in General Orders No. 492, June 20, 1898 (Foreign Relations 1898, 781). They provide:—

"13. This right should be exercised with tact and consideration and in strict conformity with treaty provisions, wherever they exist. The following directions are given, subject to any special treaty stipulations: After firing a blank charge and causing the vessel to lie to the cruiser shall send a small boat, no larger than a whaleboat, with an officer to conduct the search. There may be arms in the boat, but the men should not wear them on their persons. The officer, wearing his side arms, and accompanied on board by not more than two of his boat's crew, unarmed, should first examine the vessel's papers to ascertain her nationality and her ports of departure and destination. If she is neutral and trading between neutral ports the examination goes no further. If she is neutral and bound to an enemy's port not blockaded, the papers which indicate the character of her cargo should be examined. If these show contraband of war the vessel should be seized; if not, she should be set free, unless, by reason of strong grounds of suspicion, a further search should seem to be requisite."

Ever since these rules, namely, as to the lawfulness of merchant vessels being armed for defence and as to the prerequisite of visit and seach before seizure of a merchant vessel, became part of the law of nations, vessels of war have incurred a certain risk in their operations as commerce de

stroyers. Armed merchant vessels have been known to resist capture, and in defending themselves against capture to inflict injury upon the pursuing cruiser.

Until to-day no President and no Secretary of State of the United States had been induced to accept the view that the law of nations should be drafted to make commerce destroying in that respect a safer proceeding than it has been. In the case of submarines the risk of injury through merchant vessels armed for defence resisting the exercise of the belligerent right of visit and search is only in degree greater than that of other war vessels. Nor is it inconceivable that in the near future a submarine should be evolved which shall be no more vulnerable than a torpedo boat destroyer or light cruiser armed with torpedo tubes. Indeed, it is said that new types of submarines are now in commission which compare quite favorably to surface vessels in those respects. It is entirely probable that if these rules, the abrogation of which it is said the State Department is willing to concede, had not been respected during the Spanish-American and Russo-Japanese wars, there would have been instances where torpedo boat destroyers and light cruisers armed with torpedo tubes would have found it a less risky procedure to torpedo armed merchant vessels without warning than to comply with the practice prescribed for the American navy by direction of President Lincoln and which was again prescribed under the Presidency of William McKinley when the United States was at war.

Even in the days of the Civil War firing on a merchant vessel without visit and search was considered a safer procedure by some war vessels; early in August, 1862, Mr. Stuart, British Charge d'Affaires ad interim, represented to your predecessor, Mr. Seward, on the strength of informa-

tion received from naval officers that a British steamer had been chased and fired on by a United States cruiser without display of her colors and had then been captured without search. It was this instance which led Abraham Lincoln to give the instructions issued through Mr. Welles to the American Navy on August 18, 1862, the text of which is given above.

The fear existing at the present time that the government of the United States has the intention of conceding the right to commerce destroyers to dispose of the passengers and crews of merchant vessels by having them placed in lifeboats would be absurd if so much had not already been done in surrender of neutral rights. Need I tell you that at no time has such practice been sanctioned or tolerated by a civilized nation? In that connection your attention is invited to the work of your learned predecessor in the office of Counsellor of the State Department, Mr. John Bassett Moore, who in his International Law Digest reviews in Vol. VII., pp. 516-527, the "question of destruction" of merchant vessels captured as prizes.

Following the first news of the sinking of the Persia, Washington despatches were forwarded to several prominent New York daily newspapers, which published them on the 3d inst., setting forth that "high officials of the State Department" thought it likely that the Persia had been sunk by a "Turkish submarine" which had been able to get through owing to the abandonment of the Dardanelles operations. (Incidentally, the abandonment of land operations had not affected the Allied naval blockade at the Dandanelles, a fact generally known outside of Washington.) The despatches announced that if this theory of the State Department should be confirmed, the Department purposed to make the same demands upon Turkey which it had previously made on

Germany and Austria. Since that time, at every suggestion that the "Turkish submarine" theory advanced by the State Department might be confirmed—recently such a suggestion emanated from Berlin via Amsterdam—the cartoonists and comic writers have been practically the only contributors to the daily press to take notice of the matter and they have done so in a manner so effective that the "Turkish submarine" theory has apparently been thrown into the discard.

Far more sinister is the suggestion now made that the President of the United States and his Secretary of State, rather than perform the duty devolving upon them to get at the truth concerning the Persia and visit upon those responsible for this atrocious wholesale murder the punishment which alone will serve as a deterrent, are ready to throw to the wild beasts of the sea the bruised body of the justice which hitherto has presided over the councils in which the foreign affairs of the United States are conducted through surrender of vital rights heretofore upheld in the defence of the lives and property of non-combatants at sea.

Can it be true?

Shall it be said when the history of this period is written that rights which the sailors of the American navy and of other navies were ever expected to respect, even though thereby their lives should be imperiled, were sacrificed by the successors of Lincoln and Seward for the benefit of a navy whose officers and sailors kill non-combatants without warning rather than take the risk necessarily inherent in warfare? Is it in this way that the pen can be proved to be mightier than the sword? It cannot be by such proceedings the administration would dream of undertaking to act as the "spokesman of humanity." Will not all say, "This, then, is what is meant by 'too proud

to fight,' '' i. e., that the administration will assist in making the murder of American citizens easy rather than uphold established international law?

Respectfully yours,

MAURICE LEON.

[NOTE: *Announcement of the Administration's change of attitude on this question was made following a cabinet meeting held on February 15th, after Senator Sterling of South Dakota had introduced the resolution advocated in the open letter to Senator Lodge and it had been announced by these Senators that they proposed to discuss the subject in the Senate two days later.*

Time will tell whether a virile policy is to be followed henceforth at Washington. M. L. March 8th, 1916.]

REPRINTED FROM NEW YORK TRIBUNE OF MARCH 10, 1916.

ARMED TRADERS AND PRIVATEERS.

THE CASE OF THE KRONPRINZ WILHELM CONSIDERED IN THE LIGHT OF GERMANY'S PLEA—NEED FOR ARMAMENT SHOWN TO BE AS GREAT NOW AS IN FORMER NAVAL WARS.

To the Editor of The Tribune:

SIR: The distinction between merchant vessels armed for offence and those armed for defence has been practically illustrated in the respective cases of the Moewe and the Appam. It will be recalled that the Moewe, with two heavy batteries of 8-inch guns, overtook the Appam, which was armed with but two 3-inch guns, and that the difference in armament was sufficient to induce the Appam to surrender without resistance. The Moewe in turn gave practical illustration of the manner in which a merchant ship may be captured in accordance with international law by achieving the capture of the Appam without murder.

The Moewe's conduct in the premises established another point—namely, that vessels which are capable of conducting cruiser warfare in accordance with international law are likely to live up to those rules laid down for them. The Moewe, you will recall, was large enough to hold a prize crew to be placed on board the Appam, and large enough even to have taken over the passengers and crew of the Appam had the exigencies of warfare made it necessary for her to sink her prize. When the actual experience of modern warfare, as conducted by one vessel of the German navy, so manifestly establishes the lawlessness of the Germans' use of the submarine, it is a waste of time to argue the matter hypothetically.

There is another aspect, however, of the case of the Moewe type of armed vessels which shows that the law allowing the armament of merchant vessels for defence is not obsolete, but has applications entirely warranted by the developments of present-day war. Nor are these developments of very recent date. I have in mind a case belonging to the earliest phase of the war, the case of the German privateer Kronprinz Wilhelm. I use the word "privateer" advisedly.

The Kronprinz Wilhelm arrived in the Port of New York prior to the outbreak of hostilities. The Treasury authorities allowed her to sail from New York two days after Germany had declared war upon Russia and some six hours after the delivery of Germany's declaration of war against France had been published in New York and Washington. She did not sail with the same "peace" crew with which she came in, but with a special war crew recruited on American territory from among members of the German Naval Reserve in this port. She sailed, giving her destination as Bremen, but with three times as much coal on board as she could possibly need for the voyage mentioned in her clearance papers. Representatives of the

press wrote accounts which were published in the early afternoon, at the same time that Germany's declaration of war against France was published, telling how they had been excluded from the dock to which the ship was tied just as long cases, which they took to contain guns, were being placed on board.

In the early evening I sought to reach the Collector of the Port of New York, was unable to do so, but spoke to the special Deputy Collector. I told him that, acting purely as a citizen, I requested that the Kronprinz be detained pending an investigation of the errand upon which she was about to sail. He replied to me that the Collector of the Port had already made such investigation and had entirely satisfied himself that the Kronprinz was not sailing upon any mission hostile to the nations with which Germany was at war. The next day I read in the newspapers that the "investigation" consisted in taking the affidavit of the captain of the Kronprinz that he had no arms on board and that Bremen was his bona fide destination.

It is now undisputed that the Kronprinz went out under instructions to get in touch with the German cruiser Karlsruhe and be governed by the directions of the captain of that warship; also that she actually met the Karlsruhe on the high seas and transferred to her a large quantity of coal and thereupon hoisted the German naval ensign and proceeded upon commerce raiding operations; that she thereafter sank a number of ships including the French liner Guadeloupe, after which she sought and obtained the protection of this government at Norfolk, Va., where, instead of being libelled and her officers and crew arrested as they should have been, to answer for the conspiracy against the United States in furtherance of which she sailed from New York under false clearance papers, she was allowed to intern and

the "parole" of her officers accepted, which I understand most of them have since broken. Hence, I say advisedly that the Kronprinz was a "privateer."

Recent dispatches have intimated that other German commerce destroyers are now on the high seas which left neutral ports as neutral merchant vessels, their case being only to the extent of such use of a neutral flag more flagrant than that of the Kronprinz Wilhelm. Since, however, Germany, in defiance of treaties and of modern international law, has actually used privateers in this war she has thereby taken the very ground from under the feet of those of her apologists who in Congress and out of Congress have urged that the rule in favor of the defensive armament of merchant vessels is one which ceased to have reason for existence since the disappearance of privateers.

But their arguments overlook another fact so striking that its lesson has been driven home to the whole civilized world—namely, that in view of the murders perpetrated by their use the Teutonic submarines have revived another old classification of vessels belonging to the days of lawless warfare, that of the Corsairs. How else are they to be described after the record of the last year? It seems, therefore, begging the whole question to say that the conditions which led to the arming for defence of merchant vessels no longer exist, when as a matter of fact they do exist in aggravated form.

But, as shown by Senators Lodge and Sterling, the rule since its origin has been extended to the point where long prior to this war it was generally recognized as lawful for a merchant vessel to resist capture, even by a regularly commissioned war vessel operating in accordance with the law of nations, using for the purpose her defensive armament; and that neither the possession of such

armament nor the instructions for its use, but only actual resistance to capture after a request to stop, justifies an attack by a warship against a merchant vessel. It is in order to avoid risk which was ever inherent to warfare that the Germans would seek to change the law of nations in that regard.

MAURICE LEON.

New York, March 6, 1916.