JUSTICE ON THE HIGH SEAS IS DEMANDED BY UNITED STATES

President Wilson Tells Germany That Submarine War Which Endangers American Lives Must Cease—Time Has Come For Understanding of Nations—Regret Does Not Excuse Practice

GRAVE SITUATION HAS ARISEN

Submarines Cannot Be Used Against Merchantmen Without Breaking the Laws—Advertised Warning Against Traveling In War Zone Fails to Justify "Inhuman and Unlawful" Acts, Protest Declares

FEATURES OF PROTEST TO GERMANY

"The sinking of the British passenger steamship Lusitania, on May 7, 1915, by which over 100 American citizens lost their lives, it is clearly wise and desirable that the Government of the United States, and the Imperial German Government should come to a clear and full understanding as to the grave action which has resulted. The sinking of the British passenger steamer Falaba by a German submarine on March 28, through which Leon F. Thrasher, an American citizen, was drowned, the attack on April 28 on the American vessel Cushing by a German aeroplane, the torpedoing on May 1 of the American steamship Gulflight by a German submarine as a result of which two or more American citizens met their death, and, finally, the torpedoing on May 7 of the steamship Lusitania constitute a series of events which the Government of the United States has observed with growing concern, distress and amazement.

"The Government of the United States was loth to believe—it can not now bring itself to believe—that these acts are authorized in contrary to the rules, the practices and the spirit of modern warfare, could have the countenance or sanction of that High Imperial Government.

"This government. • • • must hold the Imperial German Government fast to a strict account for every infringement of these rights, intentional or incidental.

"Submarines can not be used against merchantmen, as the last few weeks have shown, without an inevitable violation of many acepted principles of justice and humanity.

"No warrant that an unarmed and inhumane act will be commended can possibly be accepted as an excuse or palliation for that act, or an abatement of the full measure of liability for its commission.

"American citizens act within their indisputable rights in taking ships and in traveling wherever their legitimate business calls them upon the high seas.

"This Government takes it for granted that when the attention of every such case has been duly canvassed, the Government of the United States can confidently expect to do nothing that would involve the lives of noncombatants or the safety of neutral ships, even at the cost of falling of their object of capture or destruction. It can confidently expect, therefore, that the Imperial Government will disavow the acts of which the Government of the United States complains, that they will make reparation so far as possible for injuries which are without warrant, and that they will take such steps as will prevent the recurrence of anything so grievous in future.

"Expressions of regret and offers of reparation in case of the loss of life of neutral ships such by mistake, while they may satisfy some national obligations, if no loss of life results, can not satisfy, in such a case as this, the national honor. It is not merely a question of the safety of neutral subjects and neutral property, but a question of the vindication of principle.

"The Imperial German Government will, we expect, the Government of the United States believes, disclaim any purpose to deny to American citizens the performance of its sacred duties of neutrality, or to impair the full enjoyment of the United States and its citizens of all rights conferred by neutrality and sovereignty."

Western Newspaper Union News Service.

Washington.—President Wilson's note to the German Government, presenting another article on American ships and loss of American lives through submarine activity, was handed of U. S. Ambassador Gerard at Berlin. The Ambassador has intimations that he gave a copy to the German Ministry of Foreign Affairs.

While the message is signed by Secretary of State Bryan, it was written by President Wilson.

The message is full follows.

The Department of State,

Washington, May 11, 1915.

To the American Ambassador, Berlin.—Please call on the Minister of Foreign Affairs and after reading to him the communication, leave him a copy. In view of recent acts of the German authorities in sinking of American rights on the high seas, which culminated in the torpedoing and sinking of the British steamship Lusitania, on May 7, 1915, by which over 100 American citizens lost their lives, it is clearly wise and desirable that the Government of the United States, and the Imperial German Government should come to a clear and full understanding as to the grave action which has resulted. The sinking of the British passenger steamer Falaba by a German submarine on March 28, through which Leon F. Thrasher, an American citizen, was drowned, the attack on April 28 on the American vessel Cushing by a German aeroplane, the torpedoing on May 1 of the American steamship Gulflight by a German submarine as a result of which two or more American citizens met their death, and, finally, the torpedoing on May 7 of the steamship Lusitania constitute a series of events which the Government of the United States has observed with growing concern, distress and amazement.

"The Government of the United States was loth to believe—it can not now bring itself to believe—that these acts are authorized in contrary to the rules, the practices and the spirit of modern warfare, could have the countenance or sanction of that High Imperial Government.

"Recalling the humane and enlightened attitude hitherto assumed by the Imperial German Government in matters of international and particularly with respect to the rights of the seas. Having learned the German people and the German nation are in full sympathy with us in the principles and purposes of humanity and international obligation as at present expounded in the law of nations and humanity, and having understood the instructions of the German Government to its naval commanders to be quite in accord with the principles of humane action prescribed by the naval codes of other nations, the Government of the United States was loth to believe—it can not now bring itself to believe—that these acts, so manifestly contrary to the rules, the practices and the spirit of modern warfare, could have the countenance or sanction of that great government.

Duty is Felt to Address With "Utmost Frankness."

It feels to be its duty, therefore, to address the Imperial Government earnestly, then in the spirit of Frankness and in the earnest hope that it is not mistaken in expecting action on the part of the Imperial German Government which will correct, in the fortunate impressions which have been created, and which may well be created, unless the position of that government be regard to the sacred Freedom of the Seas. The Government of the United States has been assured that the Imperial German Government considered them to have been obliged to resort to extraordinary circumstances of the present war and that their action was, in their adventures in seeking to cut Germany off from all commerce by such methods of retaliation which go to the very verge of what international law permits and was in the proclamation of February 4 last, intended to be a strictly proportional action to know exactly.

Rights of American Citizens Are Plainly Pointed Out.

The Government has already taken occasion to inform the Imperial Government that it can not admit the adoption of such measures or the assumption of such rights as these in any degree an abbreviation of the rights of American ships and of American citizens bound on lawful errands as passengers on the high seas. Such a step would be a violation of neutral rights which it must hold the Imperial German Government to a strict accountability for any infringement of those rights, intentional or incidental. It does not understand the Imperial German Government to be in strict accountability for any infringement of these rights, intentional or incidental. It does not understand the Imperial German Government to question those rights. It assumes that the position of the Imperial German Government will be, of course, to withdraw the order in council mentioned, whether they be of neutral citizenship or of the nations at war, can not be held to be in jeopardy by the exercise or destruction of an enemy merchantman, and recognize also, as it rather seems do, the obligation to take the usual precaution of visit and search to ascertain whether a suspected merchantman is, in fact, of hostile nationality, or is, in fact, carrying contraband of war under a neutral flag.

One Objection Like in Disregard of Fairness.

The Government of the United States, therefore, deems it its duty, at the outset of the Imperial German Government, to call its attention to the fact that the objection to their present method of attack against the trade of their enemies lies in the practical impossibility of employing submarines in the destruction of commerce without regarding those rules of fairness, reason, justice and humanity, which all modern opinion regards as imperative. It practically is impossible for the officers of a submarine to visit a merchantman at sea and examine her papers and cargo. It practically is impossible for them to make a prize of her; and if they can not put a prize crew on board her, they can not sink her without leaving her crew and all on board at her to the mercy of the sea in her helpless prize. Such, in a nutshell, stand the Imperial German Government's dilemma. We are informed that in the instance of which we have spoken no such dilemma was felt to exist, and it is not thought that any such was or can be in such as a warning was received.

Unpardonable Violation of Law Is Seen.

Manifestly, submarines can not be employed against merchantmen, as the last few weeks have shown, without an inevitable violation of all the principles of justice and humanity. Ancient and universally recognized principles of law and of humanity have long ago been established by agreement of all civilized nations, and are the principles of justice and humanity. Among the principles which have been established by agreement of all civilized nations are that a merchant vessel should not be destroyed, or its crew and passengers put in jeopardy, unless it be first ascertained that it is in fact a prize, and that it can be safely taken into a port or its crew and passengers provided for in safety. These principles are so universally established as to be now a part of the law of nations by the action of all civilized governments that they will not be questioned by any nation.

Lives For "Just, Humane, Enlightened Action."

The people of the United States look to the Imperial German Government for a full and explicit recognition of these rights of American citizens as a basis for action, if such action is to be taken. The United States and Germany are bound to be friends by the ties of long and honorable intercourse, but also by the very fact that it is the purpose of both to be friends. The United States and the Kingdom of Prussia are at peace, and the friendship of the two nations has been in the past a thing to be cherished and kept free from all stain or question. The United States is not at war with any nation, and desires to be at peace with all nations of the world, if such be the world's purpose, and it is the purpose of its government to be at peace with Germany if it may be upon terms of honor. It is the duty of the Government of the United States, therefore, to speak in this matter with the candor of a friend who is anxious that no cloud should come between them, and with the high principles of equity by which alone can the friendship be maintained and guided, the Government of the United States expect that none of the commanders of the vessels with which the Imperial Navy of Germany meets on the high seas will, in the execution of the laws of war, which have been adopted the world over, deem it necessary to visit upon the ships of neutrals, or their crews and passengers, any of the hardships of war, such as the destruction of their prizes may entail upon those who have made them prizes in the exercise of a right which they have been accustomed to regard as one of the most ancient and undisputed rights of civilized nations.

Regret Does Not Excuse Practice.

The Government of the United States is not in this matter considering the question of the rights of its citizens when they are accidentally or incidentally involved in the execution of a right of war which it does not question or dispute. It is not a question of the rights of its citizens when they are the intended quarry of a belligerent. It is a question of their rights when they are not the quarry but are in the path of a belligerent in the execution of a right of which it does not question the existence or the legitimacy in principle. It is a question of the rights of its citizens when they are in the path of a belligerent in the exercise of a right which it does not question but which it does feel it must question in the light of the fact that it is a right which can not be exercised without the violation of the established principles of law and humanity which it has been accustomed to look to the Imperial German Government to observe in its relations with the peoples of the world.

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