

EDITORIAL COMMENT

THE UNITED STATES AT WAR WITH THE IMPERIAL GERMAN GOVERNMENT

On the second day of April, 1917, President Wilson appeared before the Congress of the United States and, after setting forth the lawless actions of the Imperial German Government and the impossibility of protecting the lives and property of his fellow countrymen engaged in pursuits which have always "even in the darkest periods of modern history, been deemed innocent and legitimate" advised the Congress of the United States to declare the existence of a state of war between the Imperial German Government and the United States. On the sixth day of April, 1917, the Congress, after grave deliberation and with a full sense of the responsibility which it would thus assume, declared a state of war to exist between the Imperial German Government and the United States.¹

What were the reasons which caused the President of the United States to advise the Congress to declare the existence of a state of war between the Imperial German Government and the United States; what were the reasons which caused the Congress to act upon the advice of the President to declare the existence of a state of war between the two countries; and what are the consequences which the President, the Congress, and the people of the United States consider as likely to follow from this state of war and its effective prosecution? We do not need to speculate as to the reasons, for the President himself has stated them, and if he had not they would be sufficiently in evidence, as the actions of Germany since the first day of August, 1914, in so far as the United States is concerned, speak louder than words; and we do not need to indulge in prophecy in order to forecast the consequences of this declaration on behalf of the United States, for the President himself has stated, in clear and unmistakable terms, that the autocracy which made these acts possible should end with the war.

¹ The President's address and the resolution of Congress are printed in the Supplement to this JOURNAL, pp. 143, 151.

The first part of the President's address deals with the specific acts of the Imperial German Government as causes of the war. The second part deals with the motives and purposes of the United States in entering the war, for while the acts of the Imperial German Government would justify resistance on behalf of the United States, the President wished it clearly to be understood, and therefore he put it plainly, that the motive and purpose in entering the war which had been thrust upon the United States was not merely to secure redress for the loss of property, not even redress for the destruction of human life, but to secure the repudiation of the Prussian conception of state and government, which could force a people to commit such acts, and to secure some form of international organization calculated to guarantee peace among nations through the administration of justice.

As far as the United States is concerned, the cause of its war with the Imperial German Government is the submarine, for the disputes of a serious nature and of a kind calculated to produce war between the two governments related to the conduct of the submarine, which, because Great Britain controlled the seas, was the only form of maritime warfare left to Germany; and Germany was apparently as unwilling to renounce maritime warfare as it was unwilling to allow its surface fleet to put to sea and to give battle to the British Navy. The United States did not object to the employment of the submarine, recognizing it as a vessel of war, possessed of all the rights of a vessel of war and subject to all the duties of a vessel of war. But the United States insisted from the beginning that the submarine should conform its actions to the rules of law to which vessels of war were subjected, and that, if it could not or would not conform its actions to such rules, it should not be used; for the law could not be changed to suit the submarine, which should itself be changed to meet the law if it could not, as then constructed, comply with the law as it then stood.

The Imperial German Government, on the contrary, insisted that, because of its frailty, the submarine could not comply with the laws and customs of war controlling the acts of surface vessels, that it could not comply with the formalities of visit and search, because, to do so, it would have to comport itself as a surface vessel, and as a surface vessel it would endanger its existence if it approached within gunshot of ordinary surface vessels. The Imperial German Government claimed for the submarine the right to operate under the surface to protect itself from attack, and, thus protected, to attack any vessel approach-

ing it because, under the surface, it could not distinguish the vessel of the enemy from the vessel of a neutral Power; it claimed the right to attack the vessel within range without warning because, if it gave warning, it exposed itself to danger; and finally, it claimed the right to torpedo and thus destroy the vessel without first putting its passengers and crew in a place of safety because the submarine was too small to take them on board.

If matters had rested here the question at issue between the two governments would have been academic. But matters did not rest here because the Imperial German Government put its conception of submarine warfare into practice, with the result, as the President informed the Congress in his address of the second of April, 1917, that "Vessels of every kind, whatever their flag, their character, their cargo, their destination, their errand, have been ruthlessly sent to the bottom without warning and without thought of help or mercy for those on board, the vessels of friendly neutrals along with those of belligerents. Even hospital ships and ships carrying relief to the sorely bereaved and stricken people of Belgium, though the latter were provided with safe conduct through the proscribed areas by the German Government itself and were distinguished by unmistakable marks of identity, have been sunk with the same reckless lack of compassion or of principle."

In the report of the Committee on Foreign Affairs of the House of Representatives accompanying the text of the declaration of a state of war with the Imperial German Government, numerous instances are given justifying the President's indictment, and while these instances are but few of the many, they are given as a sample of the indiscriminate submarine warfare of the Imperial German Government.

After a brief reference to the diplomatic correspondence between the two governments, in which Germany stated that instructions had been given "to abstain from all violence against neutral vessels recognizable as such" and that "it is very far indeed from the intention of the German Government . . . ever to destroy neutral lives and neutral property," the official report to which reference has been made continues:

Nevertheless the German Government proceeded to carry out its plans of submarine warfare and torpedoed the British passenger steamer *Falaba* on March 27, 1915, when one American life was lost, attacked the American steamer *Cushing* April 28 by airship, and made submarine attacks upon the American tank steamer *Gulfight* May 1, the British passenger liner *Lusitania* May 7 when 114 American

lives were lost, and the American steamer *Nebraskan* on May 25, in all of which over 125 citizens of the United States lost their lives, not to mention hundreds of noncombatants who were lost and hundreds of Americans and noncombatants whose lives were put in jeopardy.

The British mule boat *Armenian* was torpedoed on June 28, as a result of which 20 Americans are reported missing.

After a further reference to the diplomatic correspondence, the official report thus proceeds:

Subsequently, the following vessels carrying American citizens were attacked by submarines:

British liner *Orduna* July 9.

Russian steamer *Leo* July 9.

American steamer *Leelanaw* July 25.

British passenger liner *Arabic* August 19.

British mule ship *Nicosian* August 19.

British steamer *Hesperian* September 4.

In these attacks 23 Americans lost their lives, not to mention the large number whose lives were placed in jeopardy.

After another reference to diplomatic correspondence, citing German promises, the official report continues:

Following this accumulative series of assurances, however, there seems to have been no abatement in the rigor of submarine warfare, for attacks were made in the Mediterranean upon the American steamer *Communiaw* on December 3, the American steamer *Petrolite* December 5, the Japanese liner *Yasaka Maru* December 21, and the passenger liner *Persia* December 30. In the sinking of the *Persia* out of a total of some 500 passengers and crew only 165 were saved. Among those lost was an American consul traveling to his post.

After again referring to correspondence between the two countries, continuing the assurance of the German Government, in the language of the report, "that neutral and enemy merchant vessels, passenger as well as freight ships, should not be destroyed except upon the passengers and crew being accorded safety," the official report thus chronicles the loss of life and property during the year 1916:

On March 1, 1916, the unarmed French passenger steamer *Patria*, carrying a number of American citizens was attacked without warning. On March 9 the Norwegian bark *Silius*, riding at anchor in Havre Rhodes, was torpedoed by an unseen submarine and one of the seven Americans on board was injured. On March 16 the Dutch passenger steamer *Tubantia* was sunk in the North Sea by a torpedo. On March 16 the British steamer *Berwindale* was torpedoed without warning off Bantry Island with four Americans on board. On March 24 the British unarmed steamer *Englishman* was, after a chase, torpedoed and sunk by the submarine *U. 19*, as a

result of which one American on board perished. On March 24 the unarmed French cross-channel steamer *Sussex* was torpedoed without warning, several of the 24 American passengers being injured. On March 27 the unarmed British liner *Manchester Engineer* was sunk by an explosion without prior warning, with Americans on board, and on March 28 the British steamer *Eagle Point*, carrying a Hotchkiss gun, which she did not use, was chased, overtaken, and sunk by a torpedo after the persons on board had taken to the boats.

And after a final reference to the correspondence between the two governments, resulting in the assurance of May 4, 1916, that new orders had been issued to the German naval forces "in accordance with the general principles of visit and search and the destruction of merchant vessels recognized by international law," and quoting the withdrawal of this assurance contained in the German note of January 31, 1917, the report continues and concludes as follows this phase of the question:

On February 3 [1917] one American ship was sunk, and since that date six American ships flying the American flag have been torpedoed, with a loss of about 13 American citizens. In addition, 50 or more foreign vessels of both belligerent and neutral nationality with Americans on board have been torpedoed, in most cases without warning, with a consequent loss of several American citizens.

The President's statement thus appears to be borne out by the facts, for enemy merchant vessels carrying passengers or freight, and neutral vessels, of whatever nationality, have indiscriminately been sunk by the German submarine lying in wait for its prey.

But there is a further charge made by the President of even a more serious character, for in the address of the second of April he states that "hospital ships and ships carrying relief to the sorely bereaved and stricken people of Belgium" had been destroyed by German submarines, although these vessels were supposed to be protected by the promise of the Imperial German Government, evidenced by safe-conducts. On this point the official report previously quoted says:

When the Commission for Relief in Belgium began its work in October, 1914, it received from the German authorities, through the various Governments concerned, definite written assurances that ships engaged in carrying cargoes for the relief of the civil population of Belgium and northern France should be immune from attack. In order that there may be no room for attacks upon these ships through misunderstanding each ship is given a safe-conduct by the German diplomatic representative in the country from which it sails, and, in addition, bears conspicuously upon its sides markings which have been agreed upon with the German authorities; furthermore, similar markings are painted upon the decks of the ships in order that they may be readily recognizable by aeroplanes.

Upon the rupture of relations with Germany the commission was definitely assured by the German Government that its ships would be immune from attack by following certain prescribed courses and conforming to the arrangements previously made.

Despite these solemn assurances there have been several unwarranted attacks upon ships under charter to the commission.

On March 7 or 8 the Norwegian ship *Storstad*, carrying 10,000 tons of corn from Buenos Aires to Rotterdam for the commission was sunk in broad daylight by a German submarine despite the conspicuous markings of the commission which the submarine could not help observing. The *Storstad* was repeatedly shelled without warning and finally torpedoed.

On March 19 the steamships *Tunisie* and *Haelen*, under charter to the commission proceeded to the United States under safe conducts and guarantees from the German minister at The Hague and bearing conspicuous markings of the commission, were attacked without warning by a German submarine outside the danger zone (56° 15' north, 5° 32' east). The ships were not sunk, but on the *Haelen* seven men were killed, including the first and third officers; a port boat was sunk; a hole was made in the port bunker above the water line; and the ships sustained sundry damages to decks and engines.

In a latter portion of the President's address he calls attention to the difficulty of maintaining peace with the Imperial German Government and enumerates a series of transactions within American jurisdiction comparable to the conduct of the submarine warfare upon the high seas. They are apparently not enumerated by the President as in themselves the cause of war but as a matter of aggravation. Thus he says:

One of the things that has served to convince us that the Prussian autocracy was not and could never be our friend is that from the very outset of the present war it has filled our unsuspecting communities and even our offices of government with spies and set criminal intrigues everywhere afoot against our national unity of counsel, our peace within and without, our industries and our commerce. Indeed it is now evident that its spies were here even before the war began; and it is unhappily not a matter of conjecture but a fact proved in our courts of justice that the intrigues which have more than once come perilously near to disturbing the peace and dislocating the industries of the country have been carried on at the instigation, with the support, and even under the personal direction of official agents of the Imperial Government accredited to the Government of the United States. Even in checking these things and trying to extirpate them we have sought to put the most generous interpretation possible upon them because we knew that their source lay, not in any hostile feeling or purpose of the German people toward us (who were, no doubt, as ignorant of them as we ourselves were), but only in the selfish designs of a Government that did what it pleased and told its people nothing. But they have played their part in serving to convince us at last that that Government entertains no real friendship for us and means to act against our peace and security at its

convenience. That it means to stir up enemies against us at our very doors the intercepted note to the German Minister at Mexico City is eloquent evidence.

In the official report of the Committee on Foreign Affairs of the House of Representatives, containing the instances of German submarine warfare, there is an elaborate but far from complete enumeration of the acts of German officials and of German sympathizers in the domestic affairs of the United States. The few instances actually stated, which are to be taken as a sample of the many which are not chronicled, are twenty-one in number and are thus stated in the report in brief and summary form:

1. By direct instructions received from the foreign office in Berlin the German Embassy in this country furnished funds and issued orders to the Indian independence committee of the Indian Nationalist Party in the United States. These instructions were usually conveyed to the committee by the military information bureau in New York (von Igel) or by the German consulates in New York and San Francisco.

Dr. Chakrabarty, recently arrested in New York City, received, all in all, according to his own admission, some \$60,000 from von Igel. He claims that the greater portion of this money was used for defraying the expenses of the Indian revolutionary propaganda in this country, and, as he says, for educational purposes. While this is in itself true, it is not all that was done by the revolutionists. They have sent representatives to the Far East to stir up trouble in India and they have attempted to ship arms and ammunition to India. These expeditions have failed. The German Embassy also employed Ernest T. Euphrat to carry instructions and information between Berlin and Washington under an American passport.

2. Officers of interned German warships have violated their word of honor and escaped. In one instance the German consul at Richmond furnished the money to purchase a boat to enable six warrant officers of the steamer *Kronprinz Wilhelm* to escape after breaking their parole.

3. Under the supervision of Capt. von Papen and Wolf von Igel, Hans von Wedell and, subsequently, Carl Ruroede maintained a regular office for the procurement of fraudulent passports for German reservists. These operations were directed and financed in part by Capt. von Papen and Wolf von Igel. Indictments were returned, Carl Ruroede sentenced to the penitentiary, and a number of German officers fined. Von Wedell escaped and has apparently been drowned at sea. Von Wedell's operations were also known to high officials in Germany. When Von Wedell became suspicious that forgeries committed by him on a passport application had become known, he conferred with Capt. von Papen and obtained money from him wherewith to make his escape.

4. James J. F. Archibald, under cover of an American passport and in the pay of the German Government through Ambassador Bernstorff, carried dispatches for Ambassador Dumba and otherwise engaged in unneutral activities.

5. Albert Sanders, Charles Wunnonberg, and others, German agents in this country, were engaged, among other activities, in sending spies to England equipped

with American passports, for the purpose of securing military information. Several such men have been sent. Sanders and Wunnonberg have plead guilty to indictments brought against them in New York City as has George Voux Bacon, one of the men sent abroad by them.

6. American passports have been counterfeited and counterfeits found on German agents. Baron von Cupenberg, a German agent, when arrested abroad, bore a counterfeit of an American passport issued to Gustav C. Roeder; Irving Guy Ries received an American passport, went to Germany, where the police retained his passports for 24 hours. Later a German spy named Carl Paul Julius Hensel was arrested in London with a counterfeit of the Ries passport in his possession.

7. Prominent officials of the Hamburg-American Line, who under the direction of Capt. Boy-Ed, endeavored to provide German warships at sea with coal and other supplies in violation of the statutes of the United States, have been tried and convicted and sentenced to the penitentiary. Some 12 or more vessels were involved in this plan.

8. Under the direction of Capt. Boy-Ed and the German consulate at San Francisco, and in violation of our laws, the steamships *Sacramento* and *Mazatlan* carried supplies from San Francisco to German war vessels. The *Olsen and Mahoney*, which was engaged in a similar enterprise, was detained. The money for these ventures was furnished by Capt. Boy-Ed. Indictments have been returned in connection with these matters against a large number of persons.

9. Werner Horn, a lieutenant in the German Reserve, was furnished funds by Capt. Franz von Papen and sent, with dynamite, under order to blow up the International Bridge at Vanceboro, Me. He was partially successful. He is now under indictment for the unlawful transportation of dynamite on passenger trains and is in jail awaiting trial following the dismissal of his appeal by the Supreme Court.

10. Capt. von Papen furnished funds to Albert Kaltschmidt, of Detroit, who is involved in a plot to blow up a factory at Walkerville, Canada, and the armory at Windsor, Canada.

11. Robert Fay, Walter Scholtz, and Paul Daeche have been convicted and sentenced to the penitentiary and three others are under indictment for conspiracy to prepare bombs and attach them to allied ships leaving New York Harbor. Fay, who was the principal in this scheme, was a German soldier. He testified that he received finances from a German secret agent in Brussels, and told von Papen of his plans, who advised him that his device was not practicable, but that he should go ahead with it, and if he could make it work he would consider it.

12. Under the direction of Capt. von Papen and Wolf von Igel, Dr. Walter T. Scheele, Capt. von Kleist, Capt. Wolpert, of the Atlas Steamship Co., and Capt. Rode, of the Hamburg-American Line, manufactured incendiary bombs and placed them on board allied vessels. The shells in which the chemicals were placed were made on board the steamship *Frederick der Grosse*. Scheele was furnished \$1,000 by von Igel wherewith to become a fugitive from justice.

13. Capt. Franz Rintelen, a reserve officer in the German Navy, came to this country secretly for the purpose of preventing the exportation of munitions of war to the allies and of getting to Germany needed supplies. He organized and financed Labor's National Peace Council in an effort to bring about an embargo on the shipment of munitions of war, tried to bring about strikes, etc.

14. Consul General Bopp, at San Francisco, Vice Consul General Von Schaick, Baron George Wilhelm von Brincken (an employee of the consulate), Charles C. Crowley, and Mrs. Margaret W. Cornell (secret agents of the German consulate at San Francisco) have been convicted of conspiracy to send agents into Canada to blow up railroad tunnels and bridges, and to wreck vessels sailing from Pacific coast ports with war materials for Russia and Japan.

15. Paul Koenig, head of the secret-service work of the Hamburg-American Line, by direction of his superior officers, largely augmented his organization and under the direction of von Papen, Boy-Ed, and Albert carried on secret work for the German Government. He secured and sent spies to Canada to gather information concerning the Welland Canal, the movements of Canadian troops to England, bribed an employee of a bank for information concerning shipments to the allies, sent spies to Europe on American passports to secure military information, and was involved with Capt. von Papen in plans to place bombs on ships of the allies leaving New York Harbor, etc. Von Papen, Boy-Ed, and Albert had frequent conferences with Koenig in his office, at theirs, and at outside places. Koenig and certain of his associates are under indictment.

16. Capt. von Papen, Capt. Hans Tauscher, Wolf von Igel, and a number of German reservists organized an expedition to go into Canada, destroy the Welland Canal, and endeavor to terrorize Canadians in order to delay the sending of troops from Canada to Europe. Indictments have been returned against these persons. Wolf von Igel furnished Fritzen, one of the conspirators in this case, money on which to flee from New York City. Fritzen is now in jail in New York City.

17. With money furnished by official German representatives in this country, a cargo of arms and ammunition was purchased and shipped on board the schooner *Annie Larsen*. Through the activities of German official representatives in this country and other Germans a number of Indians were procured to form an expedition to go on the steamship *Maverick*, meet the *Annie Larsen*, take over her cargo, and endeavor to bring about a revolution in India. This plan involved the sending of a German officer to drill Indian recruits and the entire plan was managed and directed by Capt. von Papen, Capt. Hans Tauscher, and other official German representatives in this country.

18. Gustav Stahl, a German reservist, made an affidavit which he admitted was false, regarding the armament of the *Lusitania*, which affidavit was forwarded to the State Department by Ambassador Bernstorff. He pled guilty to an indictment charging perjury, and was sentenced to the penitentiary. Koenig, herein mentioned, was active in securing this affidavit.

19. The German Embassy organized, directed, and financed the Hans Libeau Employment Agency, through which extended efforts were made to induce employees of manufacturers engaged in supplying various kinds of material to the allies to give up their positions in an effort to interfere with the output of such manufacturers. Von Papen indorsed this organization as a military measure, and it was hoped through its propaganda to cripple munition factories.

20. The German Government has assisted financially a number of newspapers in this country in return for pro-German propaganda.

21. Many facts have been secured indicating that Germans have aided and encouraged financially and otherwise the activities of one or the other factions in

Mexico, the purpose being to keep the United States occupied along its borders and to prevent the exportation of munitions of war to the allies; see, in this connection, the activities of Rintelen, Stallforth, Kopf, the German consul at Chihuahua, Krum-Hellen, Felix Somerfeld (Villa's representative at New York), Carl Heynen, Gustav Steinberg, and many others.

It will be observed that these interferences with the domestic economy of the United States were at a time when this country was neutral, when the Imperial German Secretary of State for Foreign Affairs abounded in expressions of friendship and consideration, and when the Imperial German Ambassador enjoyed the hospitality of a neutral country, whose rights upon the high seas had been systematically violated by the Imperial German Ambassador, members of the official staff, and partisans of Germany in his employ. It is hard to believe that these things are so, yet the Zimmermann letter would lead us to suspect them, if stated on credible authority, and the authority upon which we have them is that of the Government of the United States, in many instances the judgments of courts of the United States in which the transactions had been established by proof and the perpetrators convicted of their commission and sentenced to prison in judicial proceedings in accordance with the laws of the United States. The text of the Zimmermann letter, as contained in the report of the Committee on Foreign Affairs, is as follows:

Berlin, *January 19, 1917*

On the first of February we intend to begin submarine warfare unrestricted. In spite of this it is our intention to endeavor to keep neutral the United States of America.

If this attempt is not successful we propose an alliance on the following basis with Mexico: That we shall make war together and together make peace. We shall give general financial support, and it is understood that Mexico is to reconquer the lost territory in New Mexico, Texas, and Arizona. The details are left to you for settlement.

You are instructed to inform the President of Mexico of the above in the greatest confidence as soon as it is certain there will be an outbreak of war with the United States, and suggest that the President of Mexico on his own initiative should communicate with Japan suggesting adherence at once to this plan; at the same time offer to mediate between Germany and Japan.

Please call to the attention of the President of Mexico that the employment of ruthless submarine warfare now promises to compel England to make peace in a few months.

(Signed) ZIMMERMANN.

It was therefore under the eyes of Congress, as it was in the mind of the President and in the heart of the American people. Without it there were causes of war, with it there was slight chance that war

could be avoided. It is doubtful whether it would have produced war if there had not been other and impelling reasons for the resort to arms. It is doubtful if it can properly be included among the causes of the war, certainly it was not a distinct cause; it was rather the culmination of a series of unfriendly acts and it showed the spirit and purpose with which those acts had been committed. It was rather a matter of aggravation, throwing fuel on the flames, than creating of itself a conflagration.

The President properly stated in his address of April 2d to the Congress that he was assuming a grave responsibility in recommending a declaration of the existence of a state of war against the Imperial German Government, for the day has long since passed, at least in democratic countries, where the head of a state, whether he be monarch or president, can go to war as the king went a-hunting. War may be an imperial, it is no longer a royal, sport, and it never has been and it never will be, it is to be hoped, a presidential one. War is ordinarily declared in a moment of excitement and reason is likely to be swayed by enthusiasm; but we cannot today in democracies justify a declaration of war unless the cause be just, and, however we may deceive ourselves, we cannot deceive posterity, which passes alike upon the acts of autocrat, constitutional monarch, president, and people. We must decide according to our knowledge of present conditions and according to these conditions our actions are to be judged in the first instance, but the future must finally decide the question.

The President has stated the case of the United States against the Imperial Government clearly and in detail. He enumerated the special reasons which, in his opinion, would be a proper cause of armed action. He has searched his own heart and the conscience of the American people, that the motives and objects of the war may not only justify but require in the given circumstances and conditions the declaration of a state of war. It is indeed a grave responsibility which the President assumed in recommending the war, which the Congress assumed in declaring its existence, and which the people of the United States assumed in carrying it on.

We believe that the reasons given are causes, not pretexts, that the motives and purposes are sincere and sufficient; but on all these matters posterity has the final word—for whether we will or no, “Die Weltgeschichte ist das Weltgericht.”

JAMES BROWN SCOTT.