

"CONTENDING FOR NOTHING LESS SACRED THAN THE RIGHTS OF HUMANITY"

"The Government of The United States Deems It Reasonable to Expect That The Imperial German Government Will Adopt Measures Necessary to Put These Principles Into Practice and Asks for Assurances That This Will Be Done."

WASHINGTON, D. C., June 10.—The text of the American rejoinder to the German Government's reply to the note following the sinking of the Lusitania, follows:
"The Secretary of State ad interim to the American Ambassador at Berlin.
Washington, June 9, 1915.

"American Ambassador, Berlin:
"You are instructed to deliver textually the following note to the Minister of Foreign Affairs:
"In compliance with Your Excellency's request I did not fail to transmit to my Government immediately upon their receipt your note of May 28 in reply to my note of May 15, and your supplementary note of June 1, setting forth the conclusions, so far

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as reached by the Imperial German Government, concerning the attacks on the American steamers Cushing and Gulfight. I am now instructed by my Government to communicate the following in reply:

"The Government of the United States notes with gratification the full recognition by the Imperial German Government, in discussing the cases of the Cushing and the Gulfight, of the principle of the freedom of all parts of the open sea to neutral ships, and the frank willingness of the Imperial German Government to acknowledge and meet its liability where the fact of attack upon neutral ships, which have not been guilty of any hostile act, by aircraft or vessels of war is satisfactorily established; and the Government of the United States will in due course lay before the Imperial German Government, as it requests, full information concerning the attack on the steamer Cushing.

ONLY THE PRINCIPLES OF HUMANITY.

"With regard to the sinking of the steamer Falaba, by which an American citizen lost his life, the Government of the United States is surprised to find the Imperial German Government contending that an effort on the part of a merchantman to escape capture and secure assistance alters the obligation of the officer seeking to make the capture in respect of the safety of the lives of those on board the merchantman, although the vessel has ceased her attempt to escape when torpedoed. THESE ARE NOT NEW CIRCUMSTANCES. THEY HAVE BEEN IN THE MINDS OF STATESMEN AND OF INTERNATIONAL JURISTS THROUGHOUT THE DEVELOPMENT OF NAVAL WARFARE, AND THE GOVERNMENT OF THE UNITED STATES DOES NOT UNDERSTAND THAT THEY HAVE EVER BEEN HELD TO ALTER THE PRINCIPLES OF HUMANITY UPON WHICH IT HAS INSISTED. Nothing but actual forcible resistance or continued efforts to escape by flight when ordered to stop for the purpose of visit on the part of the merchantman has ever been held to forfeit the lives of her passengers or crew. The Government of the United States, however, does not understand that the Imperial German Government is seeking in this case to relieve itself of liability, but only intends to set forth the circumstances which led the commander of the submarine to allow himself to be hurried into the course which he took.

THE LUSITANIA'S CARGO.

"Your Excellency's note, in discussing the loss of the American lives resulting from the sinking of the steamship Lusitania adverts at some length to certain information which the Imperial German Government has received with regard to the character and outfit of that vessel and Your Excellency expresses the fear that this information may not have been brought to the attention of the United States. It is stated that the Lusitania was undoubtedly equipped with masked guns, supplied with trained gunners and special ammunition, transporting troops from Canada, carrying a cargo not permitted under the laws of the United States to a vessel also carrying passengers, and serving in virtual effect, as an auxiliary to the naval forces of Great Britain.

"Fortunately these are matters concerning which the Government of the United States is in a position to give the Imperial German Government official information. Of the facts alleged in Your Excellency's note, if true, the Government of the United States would have been bound to take official cognizance in performing its national duty as a neutral power and in enforcing its national laws. IT WAS ITS DUTY TO SEE TO IT THAT THE LUSITANIA WAS NOT ARMED FOR OFFENSIVE ACTION; THAT SHE WAS NOT SERVING AS A TRANSPORT; THAT SHE DID NOT CARRY A CARGO PROHIBITED BY THE STATUTES OF THE UNITED STATES AND THAT, IF IN FACT SHE WAS A NAVAL VESSEL OF GREAT BRITAIN, SHE SHOULD NOT RECEIVE CLEARANCE AS A MERCHANTMAN; AND IT PERFORMED THAT DUTY AND ENFORCED ITS STATUTES WITH SCRUPULOUS VIGILANCE THROUGH ITS REGULARLY CONSTITUTED OFFICIALS. IT IS ABLE, THEREFORE, TO ASSURE THE IMPERIAL GERMAN GOVERNMENT THAT IT HAS BEEN MISINFORMED. If the Imperial German Government should deem itself to be in possession of convincing evidence that the officials of the Government of the United States did not perform these duties with thoroughness the Government of the United States sincerely hopes that it will submit that evidence for consideration.

IRRELEVANT CONTENTIONS.

"Whatever may be the contentions of the Imperial German Government regarding the carriage of contraband of war on board the Lusitania, or regarding the explosion of that material by the torpedo, IT NEED ONLY BE SAID THAT IN VIEW OF THIS GOVERNMENT THESE CONTENTIONS ARE IRRELEVANT TO THE QUESTION OF THE LEGALITY OF THE METHODS USED BY THE GERMAN NAVAL AUTHORITIES IN SINKING THE VESSEL.

"But the sinking of passenger ships involves principles of humanity which throw into the background any special circumstances of detail that may be thought to affect the cases, principles which lift it, as the Imperial German Government will no doubt be quick to recognize and acknowledge, out of the class of ordinary subjects of diplomatic discussion or of international controversy.

"Whatever be the other facts regarding the Lusitania, THE PRINCIPAL FACT IS THAT A GREAT STEAMER, PRIMARILY AND CHIEFLY A CONVEYANCE FOR PASSENGERS, AND CARRYING MORE THAN A THOUSAND SOULS WHO HAD NO PART OR LOT IN THE CONDUCT OF THE WAR, WAS TORPEDOED AND SUNK, WITHOUT SO MUCH AS A CHALLENGE OR WARNING, AND THAT MEN, WOMEN AND CHILDREN WERE SENT TO THEIR DEATH IN CIRCUMSTANCES UNPARALLELED IN MODERN WARFARE. The fact that more than one hundred American citizens were among those who perished made it the duty of the Government of the United States to speak of these things, and once more, with solemn emphasis, to call the attention of the Imperial German Government to the grave responsibility which the Government of the United States conceives that it has incurred in this tragic occurrence, and to the indisputable principle upon which that responsibility rests.

SACRED RIGHTS OF HUMANITY.

"THE GOVERNMENT OF THE UNITED STATES IS CONTENDING FOR SOMETHING MUCH GREATER THAN MERE RIGHTS OF PROPERTY OR PRIVILEGES OF COMMERCE. IT IS CONTENDING FOR NOTHING LESS HIGH AND SACRED THAN THE RIGHTS OF HUMANITY, WHICH EVERY GOVERNMENT HONORS ITSELF IN RESPECTING AND WHICH NO GOVERNMENT IS JUSTIFIED IN RESIGNING ON BEHALF OF THOSE UNDER ITS CARE AND AUTHORITY. Only her actual resistance to capture or refusal to stop when ordered to do so for the purpose of visit could have afforded the commander of the submarine any justification for so much as putting the lives of those on board the ship in jeopardy.

"This principle the Government of the United States understands the explicit instructions issued on August 3, 1914, by the Imperial German Admiralty to its commanders at sea to have recognized and embodied, as do the naval codes of all other nations, and upon it every traveller and seaman had a right to depend. It is upon this principle of humanity, as well as upon the law founded upon this principle, that the United States must stand.

WILLING TO MEDiate.

"The Government of the United States is happy to observe that Your Excellency's note closes with the intimation that the Imperial German Government it willing, now as before, to accept the good offices of the United States in an attempt to come to an understanding with the Government of Great Britain by which the character and conditions of war upon the sea may be changed. The Government of the United States would consider it a privilege thus to serve its friends and the world. It stands ready at any time to convey to either Government any intimation or suggestion the other may be willing to have it convey and cordially invites the Imperial German Government to make use of its services in this way at its convenience. The whole world is concerned in anything that may bring about even a partial accommodation of interests or in any way mitigate the terrors of the present distressing conflict.

"In the meantime, whatever arrangement may happily be made between the parties to the war and whatever may in the opinion of the Imperial German Government have been the provocation or the circumstantial justification for the past acts of its commanders at sea, the Government of the United States confidently looks to see the justice and humanity of the Government of Germany vindicated in all cases where Americans have been wronged or their rights as neutrals invaded.

RENEWITS REPRESENTATIONS.

"The Government of the United States therefore very earnestly and very solemnly renews the representations of its note transmitted to the Imperial German Government on the 15th of May and relies in these representations upon the principles of humanity, the universally recognized understandings of international law, and the ancient friendship of the German nation.

"The Government of the United States cannot admit that the proclamation of a war zone from which neutral ships have been warned to keep away may be made to operate as in any degree an abbreviation of the rights either of American ship masters or of American citizens bound on lawful errands as passengers on merchant ships of belligerent nationality. It does not understand the Imperial German Government to question those rights. It understands it, also, to accept as established beyond question the principle that the lives of non-combatants cannot lawfully or rightfully be put in jeopardy by the capture or destruction of an unresisting merchantman, and to recognize the obligation to take sufficient precaution to ascertain whether a suspected merchantman is of fact of belligerent nationality or is in fact carrying contraband of war under a neutral flag.

"The Government of the United States deems it reasonable to expect that the Imperial German Government will adopt the measures necessary to put these principles into practice in respect of the safeguarding of American lives and American ships, and asks for assurances that this will be done.

(Signed) "ROBERT LANSING,

"Secretary of State, ad interim."

GERMAN WHO SAID LINER WAS ARMED ARRESTED—PERJURY

Repeats Story Before Federal Grand Jury—Deceit Probed Is Begun.

NEW YORK, June 10.—A federal grand jury investigation to determine whether there was a conspiracy "to defraud the United States" in connection with the affidavit submitted by the German Embassy to the State Department to prove that there were guns aboard the steamship Lusitania, was begun here today by the federal grand jury. It is specifically directed against Paul Koenig, also known as Stemler, who, according to the federal authorities,

is head of a secret service department maintained by the Hamburg-American S. S. Line.

The first result of the investigation was the arrest today for perjury of Gustave Stahl, a German servant, who made one of the affidavits submitted by the embassy, and who is alleged to be closely associated with Koenig. The warrant on which he was arrested alleges that he committed perjury in an investigation by the jury against "Paul Koenig, alias Stemler, and others" under that section of the penal code covering conspiracy to defraud the United States. He was taken into custody immediately on the conclusion of his testimony and sent to the Tombs for lack of the \$10,000 bail demanded by the Government.

Says He Saw Guns. Stahl, in his affidavit, which was

made before a city notary public, swore that he visited the Lusitania on April 30, the day before she sailed, and saw four guns on her deck concealed by leather covers. The repetition of this story, when he was called as a witness in the investigation of Koenig's activities, was the basis of the perjury charge.

In addition to the statement by Dudley Field Malone, collector of the port, and by officials of the Cunard Line that the Lusitania was unarmed, the Government authorities said tonight that they had evidence by which they would prove that Stahl was not on board the Lusitania either on April 30 or any other day before the departure of the Lusitania on her fatal trip.



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