

DEPARTMENT OF STATE

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THE CITY OF FLINT

The City of Flint was captured by a German cruiser at an estimated distance of some 1250 miles from New York, with a mixed cargo destined for British ports. The date of capture is understood to have been October 9.

The City of Flint was taken into the harbor of Tromso on October 21, with a German crew and flying the German flag. After remaining two hours to take water, it was ordered by the Norwegian Government to depart, which it did.

The City of Flint was taken into the harbor of Murmansk on the evening of October 23.

On October 25 the American Chargé d'Affaires cabled from Berlin that the Foreign Office at its press conference said that the City of Flint was captured by a German vessel and contraband was found on board, destined for England. The Foreign Office then added that it was found, however, that the ship was unseaworthy in that it did not have navigation charts adequate for bringing the ship into a German port.

When the vessel entered the harbor of Murmansk, according to an announcement presumably from the Soviet Government through the Tass news agency, "the naval forces at the port of Murmansk have temporarily held the vessel and interned the German crew."

On October 25 the American Chargé d'Affaires at Berlin cabled that the German Foreign Office, referring to the seizure of the City of Flint, said that "the German authorities were communicating with the Soviet authorities in the matter."

On the same day (October 25) the Tass agency reported that "the German crew of the cargo steamer City of Flint has been released from internment by the maritime authorities of Murmansk in view of the fact, as has been established, that the vessel was brought into port for repair of her machinery. The vessel is meanwhile remaining in Murmansk for verification of the exact composition of her cargo".

On October 26 the American Chargé d'Affaires cabled from Berlin quoting a memorandum received that morning from the Foreign Office relative to the City of Flint and its crew, which among other things stated that "a prize crew placed on board (the City of Flint) has brought the steamer to the harbor of Murmansk because of sea damage". When transmitting the memorandum an official of the Foreign Office stated informally to the Chargé that the Foreign Office had no details as to the damage which necessitated taking the ship to Murmansk, but he maintained, in response to an inquiry, that the term "damage" would cover the case of a ship lacking charts with which to navigate the waters through which she had to proceed.

For some reason as yet unexplained the German crew was interned in spite of the fact that according to the German authorities they were without charts and had put into Murmansk because they could not proceed to a German port without charts. Later they were released seemingly under a plea that their entry into Murmansk was required for necessary repairs to defective machinery.

A prize crew may take a captured ship into a neutral port without internment only in case of stress of weather, want of fuel and provisions, or necessity of repairs. In all other cases, the neutral is obligated to intern the prize crew and restore the vessel to her former crew.

The conclusion from the foregoing facts and circumstances indicates that when the City of Flint entered the harbor at Murmansk, any plea relating to the chart requirements if advanced must have been ignored since the German crew was interned. A second and entirely different reason for entering Murmansk, namely, defective machinery which called for immediate repairs, was not advanced until later. A subsequent cable from the American Chargé d'Affaires at Berlin, also dated October 26, quoted a statement of the Foreign Office at its noon press conference to the effect that the fact that the Russians have freed the German crew indicates that the Soviet authorities have confirmed the view of the prize crew that the City of Flint was unseaworthy and it was therefore permissible to take the ship into a neutral harbor.

Testimony of the American crew as to the full facts pertaining to the taking of the City of Flint into Murmansk is not yet available.

It seems manifest that even if it is assumed that the German crew was proceeding legally prior to the entry of the City of Flint into the harbor of Murmansk, the known facts and circumstances support the contention of the American Government that the German crew did not at the time of entry offer any reasonable or justifiable grounds such as are prescribed by international law for taking the vessel into this port, and that therefore it was the clear duty of the Soviet Government to turn the City of Flint over to the American crew. This has been the major contention of the American Government.

In view of the foregoing facts and circumstances, each person can judge for himself the question as to how much light is shed on this entire transaction by the action of the Soviet Government in withholding adequate cooperation with the American Government with respect to assembling and disclosing to the American Embassy in Moscow the essential facts pertaining to the landing, the whereabouts and welfare of the American crew; by the fact that it was first alleged by the German authorities that the need for charts was the ground for bringing the vessel into port; and by the fact that later this ground seems to have been abandoned and a new ground or theory relating to defective machinery was set up.