

Shipping: City of Flint SS. 1741/1739
18

BRITISH EMBASSY,

WASHINGTON, D.C.,

October 27th, 1939.

No. 1211.

My Lord,

I have the honour to inform Your Lordship that the case of the United States merchant ship "City of Flint" which was seized by the German battleship "Deutschland" while en route from this country to the United Kingdom and sent in charge of a German prize crew first to Tromso and subsequently to Murmansk, has attracted considerable attention here. Copies of press releases issued by the United States Maritime Commission, the owners of the vessel, giving particulars of the incident, details of the ship's cargo and the names of the American crew are enclosed herein.

2. The British Library of Information will have fully reported fully on the reactions of the newspapers and public opinion to the affair and I will therefore in this despatch merely report on the action taken by the United States Government in the matter so far as is at present known. The State Department's first action was to instruct the United States representatives in Berlin, Moscow and Oslo to ascertain the actual facts of the case, and in the interval both the President and the Secretary of State, when questioned at their press conferences, declined to discuss the matter in detail, though both implied that the United States

INDEX

The Right Honourable
The Viscount Halifax, K. G.,
etc., etc., etc.

JF:FRHM:NT

Government/

Government would take steps to secure the release of the ship. The enquiries made by the United States Ambassador in Berlin produced an explanation from the German Government that the "City of Flint" had been seized because she was carrying contraband and that she had been taken to Murmansk because of the damages which rendered her unseaworthy. A copy of a State Department press release giving the substance of the German Government's reply is enclosed herein.

3. Having confirmed the facts of the case, the State Department then, it would seem, instructed the United States Ambassador in Moscow to demand the ship's release by the Soviet authorities. To judge by the newspaper reports, the State Department based this claim on the principle established in the case of the "Appam" in 1916 that a neutral port cannot be used as a haven of refuge for prizes. That the United States authorities considered this the correct argument is borne out by a conversation which a member of my staff had yesterday at the State Department. When it was suggested that there might be another side to the argument and that it might be contended that according to article 23 of the Hague Convention XIII of 1907 - which article however the United States do not accept - neutrals might allow prizes to enter their ports and remain there pending a decision of the Prize Court of the captor, the official at the State Department professed never to have heard of this argument.

4. It has now been announced that the "City of Flint" has left Murmansk, having been required to leave by the Soviet authorities after they had

examined/

-3-

examined the cargo. It would seem however that she is still in charge of a German crew and is therefore presumably en route for a German port. It remains to be seen whether the United States Government will be satisfied with this situation or whether they will insist that the Soviet Government should have removed the prize crew and released the vessel unconditionally.

I have the honour to be,
with the highest respect,

My Lord,

Your Lordship's most obedient,
humble servant,

(SGD) LOTHIAN