

The Attacks on U. S. Shipping that Precipitated American Entry into World War I

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Entre 3 février 1917 et 4 avril 1917, dix navires marchands des États-Unis ont été coulés, neuf d'entre eux par sous-marin allemand. Ces pertes ont constitué le casus belli pour l'entrée des États-Unis en la Première Guerre Mondiale. La perte de trois vaisseaux en particulier a semblé convaincre Wilson et son cabinet que l'Allemagne avait déclaré la guerre contre les États-Unis; néanmoins, quand il a fait sa présentation au congrès, il a interprété les causes de la guerre en termes beaucoup plus larges. Les détails des pertes de navires et les questions du droit international à ce sujet même, autant que la réaction de Wilson, de son cabinet et du congrès aux événements, sont tous détaillés ici.

I: Introduction

On 6 April 1917, after twenty-nine months of official neutrality, the United States declared war on Germany, formally entering World War I. The act of Congress declaring that a state of war existed came in response to a request by President Woodrow Wilson in an effective and well-crafted speech delivered on the evening of 2 April. Wilson, an avowed neutralist who had won re-election to the presidency in November 1916 on a campaign slogan of “He kept us out of war,” had come to the decision with great reluctance.

Both Wilson and some of his most intimate advisors had hoped to remain neutral in the war, as Wilson worked for a negotiated peace. However, on 31 January 1917, the Imperial German government announced a policy of unrestricted submarine warfare to begin the next day, 1 February. This meant that German submarines would attempt to sink every ship in a declared war zone around Britain, France, and in the Mediterranean. They would attack without warning.

Wilson reacted to the announcement with shock and disbelief. Because he had earlier threatened to break diplomatic relations with Germany if that nation sank any unarmed passenger ships, he felt he had no choice but to send German Ambassador Johann von Bernstorff home, and to recall the U.S. Ambassador, James Gerard, from Berlin. Even so, as he announced the break in relations on 3 February 1917 Wilson said that the United States would take no further action unless Germany committed “overt acts” against the United States by actually sinking American ships.

Between the time of that announcement and the congressional declaration of war, German submarines sank nine American ships, and one other, lost to a mine, was assumed at the time to have been torpedoed by a German submarine. Wilson did not treat

all of these events as “overt acts” of war, and the details of exactly which ships were sunk, under what conditions, and how their losses eventually contributed to the decision to enter the war are the subjects of this article.

Surprisingly, the precise *casus belli* has been somewhat neglected in the extensive secondary literature that surrounds Woodrow Wilson’s policy of neutrality and his decision for war. Some historians have mentioned only one or two of the ships, while others list several, but do not explain why some were crucial to the decision and others were not. Despite the fact that the daily press, particularly the pro-Allied New York newspapers, offered extensive and thorough reports on the ship losses as they occurred, historians have been concerned with broader issues. For this reason, one of the best sources for detailed accounts of the events remains daily newspapers, supplemented by consular reports and published German submarine records. The reactions to the ship losses by Wilson’s close advisors and members of the cabinet give further insight into the decision process. From the memoirs of the advisors and cabinet members, it is clear that press reports of the events were a crucial source of information even for highly-placed officials, far richer in detail than the cabled reports of U.S. State Department personnel, consular and ambassadorial, in Europe.

The troubled and hectic eight weeks between the break in relations and the declaration of war saw a shift in opinion from neutrality to war, not only by Wilson, but by his advisors, a large sector of the public, and members of Congress. The loss of American merchant ships was crucial to that shift in opinion, even though the details of those losses have been overlooked or very lightly treated in the historical literature.¹

There are several reasons for the oversight of the exact maritime *casus belli* among historians. By contrast to the more famous earlier attacks on British passenger ships, such as the *Lusitania* and the *Arabic*, the U.S. merchant ships were manned by low-status, underpaid, merchant mariners, who were of far less concern to Wilson than were the middle- and upper-class passengers on foreign-flag passenger liners. Another

¹ One of the best and thorough treatments of the period from 1 February 1917 through 6 April 1917 is found in Arthur S. Link, *Wilson: Campaigns for Progressivism and Peace 1916-1917* (Princeton: Princeton University Press, 1965), 290-431. Link mentions nine of the ten ships briefly: *Housatonic* pp. 309-10, *Lyman M. Law* p. 347, *Algonquin* p. 391, *Vigilancia* p. 396-97, *City of Memphis* p. 396, *Illinois* p. 396, *Healdton* p. 416, *Aztec* p. 429, *Missourian* p. 429. Word of the loss of the tenth ship, *Marguerite*, did not arrive until after the Congressional vote. Link’s treatment is unique in that he at least mentioned the specific ships. Most other accounts of Wilson’s decision for war do not even make such passing references. Walter Millis, *Road to War: America 1914-1917* (1935; Repr., New York: Howard Fertig, 1970), mentions three of the ships; Ray Stannard Baker, *Woodrow Wilson, Life and Letters, Facing War, 1915-1917* (New York: Doubleday, 1940) mentions only six of the ships, four of them only in footnotes. Some other more recent studies that treat the U.S. entry into the war avoid any reference to the specific ships at all. For example, Daniel D. Stid, *The President as Statesman: Woodrow Wilson and the Constitution* (Lawrence: University Press of Kansas, 1998), treats the entry into the war with no specific mention of any ship losses, while Kendrick Clements, *The Presidency of Woodrow Wilson* (Lawrence: University Press of Kansas, 1992), 138 states that there were no U.S. ship losses to the Germans at all in a period when there were in fact three.

reason for the neglect of the precise *casus belli* is that when Wilson asked Congress for the declaration of war, he couched his appeal in broad idealistic terms, without reference to the details of the ship losses. As will be shown in this article, the actual acts of war by Germany against the United States that precipitated the decision had resulted in the deaths of forty-three seamen, of whom exactly thirteen were U.S. citizens. Even more striking to our modern generation, inured as we are to the horrors of attacks on civilians, Wilson's cabinet came around to recommending that he ask Congress to declare war when a total of only six U.S. merchant mariners had been killed in the submarine attacks. The declaration of war, to seem a proportionate response, had to be based on much wider grievances and issues than the specific, precipitating events that cost the lives of just a handful of American citizens.²

Between 1 February 1917 and 6 April 1917, several of Wilson's advisors favoured entry into the war on the Allied side, particularly Secretary of State Robert Lansing, personal advisor Edward House, and son-in-law and Secretary of the Treasury William Gibbs McAdoo. On the other hand, Secretary of War Newton Baker, Secretary of the Navy Josephus Daniels, and Postmaster General Albert Burleson were avowed neutralists, as was Wilson himself. Outside the cabinet, Congress was also severely divided, with many influential Democrats, particularly from the South and West, adamantly opposed to war. As ship losses mounted through the period, those who favoured war hoped to construe those losses as causes to go to war, and the neutralists began to waver. Of the ten losses, however, the first three, for very specific reasons, did not constitute a *casus belli*. The sinking of other ships, however, did represent a tipping point for the doves in the cabinet, and for Wilson himself, because of the particular circumstances surrounding those events. For all of these reasons, the events that befell these forgotten northern mariners deserve scrutiny.

II: The *Housatonic*

By one of the mysterious coincidences so often encountered in tales of the sea, *Housatonic*, the first American ship sunk by the Germans under their unrestricted submarine warfare policy, on 3 February 1917, had the same name as the first ship ever sunk by a submarine in warfare. The Confederate submarine *Hunley* sank the warship USS *Housatonic* off Charleston, South Carolina on 17 February 1864. "Housatonic," however, was a common ship name, derived from the Housatonic River and Housatonic Valley in Connecticut. We need not assume the coincidence was some malicious trick played by Neptune and his minions on the human race.³

The World War I merchant ship *Housatonic* had originally been built in 1890 by Barclay, Curle & Company of Glasgow for the German Hansa Line, based in Hamburg. First named the *Pickhuben*, she was a 3,143 gross ton ship, 331 feet long with a 41 foot, 1-inch beam. She was straight-stemmed and had one funnel and two masts. The ship

² The tally of total casualties is fully accounted for in Table No. 1, presented later in this article.

³ An excellent account of the *Hunley-Housatonic* encounter is Brian Hicks, *Raising the Hunley: the remarkable history and recovery of the lost Confederate submarine* (New York, 2002).

could achieve a speed of eleven knots, and boasted accommodation for ten first class passengers and over 200 in steerage. She sailed on her maiden voyage to Quebec and Montreal on 15 April 1891, and began Hamburg-Montreal runs in 1892. She was renamed *Georgia* and began a run in 1895 from Stettin via Helsingborg and Gothenburg to New York. In 1902 she was switched to the Odessa-New York route.⁴

In 1914 as the Great War began in Europe, the German ship *Georgia* took refuge in the United States and in 1915 was granted American registry under the new name *Housatonic*. On 16 April 1915, she was sold for \$85,000 to a specially-formed Housatonic Steamship Corporation, headed by Edward F. Geer. She was then employed as a freighter. Among the incorporators of the firm was Edward Sandford, who had served as an attorney representing the Hamburg-American line and who had defended Karl Buenz, head of that line, when Buenz was accused of sending ships out from American harbors to resupply German warships at sea in defiance of American neutrality law. Two other ships of the Hamburg line that had been sold to American firms had been treated as belligerent ships by the Allies.⁵

Under the command of Captain Thomas A. Ensor, *Housatonic* sailed from Galveston, Texas for Britain on 6 January 1917 more than three weeks before Germany announced the unrestricted submarine warfare policy.⁶ The ship put in to Newport News, Virginia, and began her crossing of the Atlantic on 16 January, still more than two weeks before the German policy was announced.⁷ Her cargo was 144,200 bushels of wheat, consigned to Brown, Jenkinson, and Company of London. About sixty miles off the Scilly Isles at the southwest tip of Britain, she was hailed by the commander of U-boat *U-53*, under the command of Hans Rose.

The *U-53* and Lieutenant Rose were well known to the American public, because he had made a dramatic entry with that U-boat into the Newport, Rhode Island harbor on 7 October 1916, while the United States was still neutral, and had visited for a few hours before slipping out again. Rose, handsome and highly intelligent, had impressed reporters and shipboard visitors with his command of the English language and his

⁴ by Duncan Haws, *Merchant Fleets*, vol. 4, Hamburg America Line, posted to Internet "The Ships List" by Ted Finch, 25 May 1998, under "Pickhuben": <http://www.theshipslist.com/ships/descriptions/index.htm>; transfers and ownership verified from *Lloyds Register of Shipping* (various dates). The 1915 date is mentioned in "The Housatonic Case," *The Independent*, 12 February 1917, 89.

⁵ "First Sinking Reported—London hears no warning was given Housatonic off Scilly Islands—25 Americans on Board—Armed British Steamer Picks up The Officers and Crew of the Vessel—News Stirs Washington—But if U-Boat took Precautions Attack will not be Adequate Cause for Action," *New York Times*, 4 February 1917.

⁶ *New York Times*, 21 February 1917; The date of *Housatonic* departure is shown in a report by Ambassador W. H. Page to the Secretary of State, reprinted in *The American Journal of International Law*, . 11, no. 4 (October 1917) (Supplement: Diplomatic Correspondence Between the United States and Belligerent Governments Relating to Neutral Rights and Commerce): 132-33, as well as in the *New York Times* item of 4 February 1917. Ensor was apparently a British subject from Bermuda.

⁷ "American Steamer From Galveston Was Torpedoed," *Houston Post*, 4 February 1917.

altogether proper manners. Described by journalists as about thirty-three years old, with dark hair, a clipped mustache, and blue eyes, and “of more than medium height,” Rose had exchanged “felicitations” with American naval officers in the port, and asked that a letter be posted to Ambassador von Bernstorff in Washington. A newspaperman took the mail to the Newport post office for Rose⁸

Lieutenant Rose was well aware that neutrality rules would limit his stay in port to twenty-four hours, and that he was entitled only to essential stores and repairs. He stated that he was not in need of any stores, and that his ship was in fine repair. Apparently he made the visit simply to show that U-boats could now undertake round-trip transatlantic missions. He left at 5:30 in the afternoon, and proceeded to sink five Allied and neutral merchant ships off Nantucket Lightship, while American destroyers looked on and rescued the passengers and crews of the stricken vessels. Those sunk were the three British ships, *S.S. Stephano*, *S.S. Strathdene*, and *S.S. West Point*, the Dutch *S.S. Blommersijk*, and the Norwegian *S.S. Christian Knudsen*. Each of these steamships was an average size for the day, capable of carrying freight and a few passengers, running in tonnage between 3,400 and 4,300 gross tons.⁹

Rose’s 1916 visit had stimulated an extensive debate in the press over submarine policy, revealing the ability of German submarines to cross the Atlantic, and at the same time, showing the American public that submarines could conduct warfare just outside the three-mile limit.¹⁰ Admiral Bradley Fiske, one of the U.S. Navy’s most articulate proponents of technological advancement and preparedness, saw Rose’s visit and subsequent operations off the U.S. coast as an excellent warning to the American people about the future of naval warfare. Fiske pointed out that if *U-53* “could go into Newport harbor she could go into New York harbor” in time of war.¹¹ Apparently shocked that the U.S. Navy had to stand by helplessly, Woodrow Wilson sent a note to Ambassador Bernstorff insisting that such attacks just off American waters should not be repeated.¹²

In February 1917, Hans Rose initiated the series of events that constituted acts of

⁸ “Sea Visitor Unheralded—Giant U-53 Meets U.S. Submarine Outside and is Piloted into Port,” *New York Times*, 8 October 1916. The visit of U-53 is described in Michael L. Hadley and Roger Sarty, *Tin-Pots’ and Pirate Ships* (Montreal and Kingston, 1991), 151-56, 163-73.

⁹ Henry J. James, *German Subs in Yankee Waters—First World War* (New York: Gotham House, 1941), 8-9. Some of the press thought several submarines were operating off Nantucket, and news stories of the sinking contained some inaccuracies. James noted that the confusion over the number of submarines was due to Rose’s own deceptive practice of reporting the losses by using several different U-boat ship numbers over his wireless at the time. The ships sunk were confirmed in Rose’s own account of the episodes, as reproduced in: Reinhard Scheer, *Germany’s High Sea Fleet in the World War* (New York: Cassell and Company, 1920), 265-67.

¹⁰ “Sea Visitor Unheralded,” *New York Times*, 8 October 1916.

¹¹ “What the Visit of the U-53 Portends to U. S. —Blockade Peril Which Unpreparedness has Brought Upon Us Graphically Presented By One of Our Foremost Naval Experts—an Authorized Interview with Rear Admiral Bradley A. Fiske, U.S.N.,” 15 October 1916. Several of the news reports of the 3 February sinking reminded readers of Rose’s 1916 visit in passing.

¹² Edwyn A. Gray, *The Killing Time* (New York: Scribners, 1974), 132.

war, not in New York Harbor, but in the sea lanes approaching the British Isles. Thomas A. Ensor, *Housatonic's* American captain, recorded in his log the details of the encounter with Rose's *U-53*. "At 10:30 o'clock on Saturday [3 February] we saw a submarine, flying no colors, about 250 yards astern. She fired two shots, the second passing close to the ship and striking the water just ahead. We stopped the engines and then reversed them. We were ordered to take our papers aboard the submarine. ... [The commander] spoke perfect English. He said, 'I find that the vessel is laden with grain for London. It is my duty to sink her.' I protested vigorously. The commander at first took no notice, and then explained: 'You are carrying foodstuffs to an enemy of my country, and though I am sorry, it is my duty to sink you.'"¹³

Members of the submarine crew came aboard to knock off the seacocks and open the hatches, then took the opportunity to remove a quantity of soap from the *Housatonic*, explaining it was in short supply in Germany due to the demands of the munitions industry for glycerine. As the thirty-seven members of the *Housatonic* crew watched from two lifeboats, the submarine fired a torpedo to hasten the sinking. Rose threw a towline that was then tied to the lifeboats, and the submarine, running on the surface with her powerful diesel engines, began towing the boats northward. Ensor and his crew watched the *Houstonic* slowly sink beneath the waves.¹⁴

After being towed for about an hour and a half, Ensor spotted a British patrol boat, and Rose fired two shots from his deck gun to attract the attention of the British vessel. Once he was certain that the patrol boat had seen the lifeboats, he submerged and quietly slipped away. The patrol vessel landed the crew at Penzance.¹⁵

The *New York Times* and other American newspapers reacted cautiously to the sinking of the *Housatonic*, generally agreeing that the action did not represent the "overt act of war" that Wilson had mentioned on 3 February. Because the ship had left port before the announced policy, it was unclear whether the gentlemanly rescue by Rose represented a special case, or whether the Germans would continue to be as respectful and careful of human life aboard American ships that they sank. The striking fact that Rose had not only towed the lifeboats to safety, but that he had gone to the trouble to alert a British naval patrol boat by firing signal shots, seemed to represent an extraordinarily courteous procedure. The *New York Times* reported, "No 'overt act' which can be regarded as a cause for war between this country and Germany is to be found in the

¹³ "U-Boat Captain Gave Housatonic An Hour's Warning Before Sinking—Told American Crew he Had orders to Sink Every England-Bound ship, But Towed Men in Boats Toward land—Washington Holds Incident Not 'Overt Act,'" *New York Times*, 5 February 1917; "Housatonic's Captain Made Protest in Vain—U-Boat Commander was Indifferent to Appeals, But Finally Agreed to Tow Two Boats," *New York Times*, 6 February 1917.

¹⁴ *The Independent*, "The Housatonic Case," 12 February 1917, 256; *New York Times*, 5 and 6 February 1917.

¹⁵ *New York Times*, 5 and 6 February 1917. The thirty-seven crew members were mistakenly reported as twenty-six in "Captain Says U-53 Sank Housatonic—Returning Here, Ensor Tells of Encountering Craft that Visited Newport—Captain Expressed Regret—American Skipper Comes on Ordnance—Rest of Crew Due Today on Philadelphia," *New York Times*, 21 February 1917.

torpedoing of *Housatonic*, high officials held today, after reading a preliminary report from Joseph G. Stephens, Consul at Plymouth, England . . . The *Housatonic* was warned before being sunk and efforts were made by the commander of the submarine to put the crew in a place of safety. The *Housatonic's* cargo of wheat for the British Government would be contraband under any interpretation of international law.”¹⁶

The *New York Times* went on to provide other reasons why the sinking of the *Housatonic* would not convince Wilson to ask for a declaration of war, apparently based on unofficial remarks by State Department personnel.

There was also a suggestion that this regard for the vessels already on their way to the war zone might prevent serious developments, affecting American interests, for two weeks or more. In some messages from Berlin, moreover, it has been intimated that the blockade policy would be conducted with a certain moderation at the outset, but would become more ruthless as the days went by.¹⁷

In this last remark, the *New York Times* reporters were taking note of one line in the German announcement of 1 February 1917, alluding to the fact that ships that had left port prior to the announcement might expect more lenient treatment than those departing later.¹⁸

Few journalists had taken the trouble to read the German note in its entirety, and therefore speculated whether the courteous treatment of the *Housatonic* crew was a matter of official German policy or the result of an individual decision of a particularly humane submarine commander. For example, *The Independent*, a journal of comment on political, social and economic news, noted “that the Germans had been more scrupulous than usual in providing for the safety of the crew.” Perhaps, *The Independent* implied, the more ruthless measures announced by the Germans were not in place at all.¹⁹

Lieutenant Hans Rose was indeed among the most humane of the U-boat commanders in his treatment of crews and passengers. Had journalists taken the time to examine the record of his treatment of the five ships off Nantucket, they would have recognized that Rose was particularly careful to ensure the safety of those aboard the ships he destroyed. Later in the war, after torpedoing the U.S. destroyer *Jacob Jones*, Rose radioed the exact position of the lifeboats with survivors to U.S. forces in the Irish port of Queenstown so that they could be rescued.²⁰ However it was quite natural in February 1917 for the American press to read into the *Housatonic* episode some indication of the trend of broader German submarine policy, not the behaviour of an individual U-boat officer.

As the *New York Times* story indicated, the suggestion that the episode did not represent the sort of overt act that could be treated as a cause for war came directly from

¹⁶ *New York Times*, 5 February 1917.

¹⁷ *New York Times*, 5 February 1917.

¹⁸ Simeon D. Fess, *Problems of Neutrality When the World is at War* (Washington, 1917); From the Annex to the diplomatic note dated 31 January 1917, 157.

¹⁹ “The ‘Housatonic’ Case,” *The Independent*, 12 February 1917, 256.

²⁰ Edwyn A. Gray. *The Killing Time*, 143, 170; Jacob Jones story: <http://www.worldwar1.com/dbc/jjones.htm>

the State Department, and that view represented Wilson's position. Wilson himself alluded more than once to the fact that in his official opinion this episode did not represent the sort of overt act that he would regard as an act of war. Under established "cruiser rules," it was appropriate for a warship to stop a neutral ship in a blockade zone, determine if the cargo was contraband, evacuate the ship and see to the safety of crew and passengers, and then sink the ship. Rose's action was no more an act of war than several other cases of destruction of U.S. ships that had occurred in the period of neutrality.²¹ Indeed, there had been some fifteen or so episodes of attacks on, or sinking of, American ships prior to the 1 February announced policy. Some of those episodes before the declaration of policy had been more severe in several respects. In one of those cases, the accidental torpedoing of the American tanker *Gulflight* on 2 May 1915, three Americans had died.²²

Germany had admitted the *Gulflight* accident and, in an exchange of notes, had offered compensatory damages. Of course, the *Gulflight* episode had vanished from the news on 7 May 1915 with the much more newsworthy and tragic sinking of the British liner, *Lusitania* during which 128 Americans had been killed, among some 1,198 total killed. Wilson, and indeed, much of the American public were severely shocked by that attack, but only a small proportion of the most hawkish editorialists had regarded either the *Gulflight* or the *Lusitania* as a reason to go to war. In fact, Wilson's avowedly pacifist Secretary of State, William Jennings Bryan, had resigned his post because he believed Wilson's notes of protest over the *Lusitania*, were *too* un-neutral and too disrespectful of the German position. The liner, after all, was under instructions to take evasive action and to ram submarines if possible, making it legally equivalent to a warship from the German perspective.

Some interventionists in the U.S. thought that the *Housatonic* incident represented more than a sufficient cause for war. The *Outlook*, widely recognized as representative of the position of Theodore Roosevelt, expressed the frustration of the hawks, in a long opinion piece entitled "War With Germany," published 7 March 1917. The article detailed German actions that had caused losses of American lives from the time of the sinking of *Lusitania*: "Steadily and unmistakably the United States has been and is moving toward war." In a somewhat scornful tone, the editorial declared that Wilson had in effect "condoned" the sinking of the *Housatonic*: "[s]o used have we become to these murderous attacks that we regard continued ruthlessness as its own palliative."²³

By listing the *Housatonic* along with many other prior episodes Roosevelt and fellow hawks had no hesitancy in conflating the losses of American passengers and crew

²¹ Outside the scope of this article are the losses of U.S. flag merchant ships to German surface warships or submarines prior to 1 February 1917: *William Frye* (27 January 1915), *Leelanaw* (25 July 1915), *Columbia* (8 November 1916), and *Chemung* (26 November 1916) all with no loss of human life, none of which constituted acts of war. These and other events are treated in a forthcoming monograph by the author.

²² "Page Pushes Investigation – Experts Sent to Examine the Gulflight — Crew to Testify," *New York Times*, 6 May 1915.

²³ *Outlook*, "War With Germany," 7 March 1917, 402

members on British ships with the losses of American ships and those of other neutrals, as part of the case against Germany. Wilson, however, would not be pushed in February 1917 by episodes so ambiguous and so well within established cruiser rules as the sinking of the *Housatonic*. The practice of conflating attacks on American ships with attacks on the ships of other neutrals and with attacks on British-registered ships that were known to be under orders to attack German submarines on sight was characteristic of those who urged Wilson to see Germany as the enemy. After the war, such conflation of statistics, and a careless treatment of distinctions and details became quite pronounced in the literature surrounding the lead-up to the war, and there was no hesitancy in including *Housatonic* along with other ship losses as part of the *casus belli*.²⁴

In retrospect, it would become clear that *Housatonic* would be the first of the U.S. ships sunk under the new policy, and would indeed become part of the broader *casus belli*. Yet if it had been the only American registered ship destroyed by Germany after 1 February, there would have been no legal grounds for war. Furthermore, if Germany sank later American ships with the same scrupulous attention for proprieties as shown the crew of *Housatonic* by Rose, would there have been no justification for an American declaration of war. Only when that sinking was viewed along with those of several that came later, in which there was flagrant disregard for the rights of neutrals, did it appear that the torpedo that sunk *Housatonic* was the first of a series of shots and ships destroyed that led the United States into the war. At the time, Wilson was correct in his view; in retrospect, Roosevelt and the hawks were right.

III: Lyman M. Law

Lyman M. Law was the second United States-registered ship sunk by Germany after the 31 January 1917 declaration of unrestricted submarine warfare. The vessel was a four-masted wooden schooner, 1,300 gross tons, built in West Haven, Connecticut by Gessner & Company in 1890 for the Benedict-Manson Marine Company. She was 211 feet 1-inch in length, with a beam of 40-feet 3-inches, and her hold was 18-feet 1-inch deep. The schooner had recently been bought from another New England company by a private syndicate based in Stockton Springs, Maine, headed by George A. Cardine.²⁵ Like many other ships destroyed by German submarines, she was not torpedoed, but rather sunk by fire and explosives set aboard the vessel after the crew had been put off safely in

²⁴ Francis Whiting Halsey: *The Literary Digest History of the World War, Compiled from Original and Contemporary Sources* (New York: Funk and Wagnalls, 1919), 4: 21-25 does not mention the *Housatonic*, but like the earlier Roosevelt-style opinion piece in *The Outlook*, conflates losses in American ships with losses of American lives aboard Allied ships, including the *Lusitania* and the *Laconia* as well as with losses of neutral seamen and passengers aboard ships of various registries, both neutral and Allied. Such conflation of the losses on American ships with losses on belligerent ships was very common both in the press and in public statements of officials. Wilson was correct to protest the loss of American lives aboard ships under foreign flags; however, since the United States had no mutual defence treaties with any other nation, an attack on a British ship (no matter the number or nationality of the casualties) was not an act of war against the United States.

²⁵ "Austrians Sink American Ship," *New York Times*, 15 February 1917.

lifeboats. The schooner was destroyed on 12 February 1917, nine days after the *Housatonic* episode.

The *Lyman M. Law* had sailed from Stockton Springs on 6 January, the same day the *Housatonic* departed Galveston, more than three weeks before the German policy was announced, for Palermo, Italy. She carried a cargo of 60,000 bundles of box shooks, thin wooden strips used in the construction of lemon crates, shipped through New York agents of Maritime Transportation Company of 25 Beaver Street. The shippers of the cargo were T.J. Stewart Company of Bangor, Maine, and the cargo was valued at \$31,200.²⁶ Since Germany and Italy had been formally at war since August 1916, it was significant that the cargo was consigned to an Italian firm, G. Cavallero, which had an office in New York City.²⁷

The schooner's captain was Stephen W. McDonough of Winterport, Maine, who had been a sailing vessel captain for fifteen years, since he was twenty-four years old. Brusque, outspoken, and opinionated, he may have been fairly typical of sailing vessel masters in the period. He came from an old down-East seafaring family, as did many in the schooner business, and his father, Walter McDonough, was still in the coasting trade. Stephen McDonough's first mate was William Lowe, also from a seagoing family, also resident in Winterport. Nine of the members of the *Lyman M. Law's* ten-member crew were Penobscot Bay sailors, who had been on many trips along the coast to the Grand Banks, Newport News, and other points on the North American Atlantic seaboard. For most of them, the offer of high wages on this trip had enticed them away from the coastal trade to an ocean crossing to the Mediterranean.²⁸

The schooner was sunk off Sardinia, and the crew safely landed at Cagliari, a port on the island. From Cagliari, initial reports relayed from the American Consul in Rome and reports in the press incorrectly assumed the ship was sunk by bombs placed aboard from an Austrian submarine. American Consul Roger Culver Tredwell at Rome sent a dispatch to the State Department on 13 February, sparking the report of the Austrian flag on the submarine that seemed to be based on the testimony of one of the schooner's crew other than the captain.²⁹

In fact, the schooner had been destroyed by another of Germany's most successful submarines, *U-35*, commanded by Lothar von Arnauld de la Perière. Arnauld de la Perière established a record as the most accomplished U-boat "ace" during the war,

²⁶ "Law's Cargo Worth \$31,200," *New York Times*, 15 February 1917. Stockton Springs is a small town on Route 1 in Maine, just north of Searsport, boasting a small harbour and rail connections.

²⁷ "Six British Ships Sunk by U-boats," *New York Times*, 16 February 1917.

²⁸ "Austrians Sink American Ship,--Submarine Puts Bomb Aboard the Schooner Lyman M. Law Off Sardinia—Crew Saved in Two Boats—Attack Made near Boundary of the Barred Zone—Exact Location in Doubt," *New York Times*, 15 February, 1917; the crew was a total of ten, including the captain; news stories at the time often did not count the captain as a crew member, and thus often referred to a total crew of nine.

²⁹ Tredwell's name was misspelled "Treadwell" and "Treadway" in part of the *New York Times* story of 15 February. Roger C. Tredwell had earlier served as U.S. Consul in Bristol, England and in Turin, before his appointment in 1917 to Rome.

sinking more than 450,000 tons of shipping, by contrast to the 210,000 tons credited to Hans Rose.³⁰ With reddish hair, a sophisticated appearance and a strong intellect, Arnauld de la Perière was descended from a line of military men, originally from France, who had entered the service of the German Empire. Working out of Cattaro, an Adriatic port used as a U-boat base, Arnauld de la Perière operated one of twenty-five submarines that successfully slipped through nets and barriers established by the British across the Straits of Otranto where the Adriatic joins the Mediterranean.³¹ Arnauld de la Perière's record of tonnage sunk by a single submarine commander would never be matched, even in World War II.

One reason for confusion over whether the sub was Austrian or German may have been the fact that until a few months before, German submarines operating out of Cattaro did so under the Austrian flag. Since Austria and Italy were at war from May 1915, but Germany and Italy were not at war formally until August 1916, only Austrian-flagged, not German, warships had the legal right to interdict Italian trade during that earlier period. In fact, it was the practice of German submarines attacking Italian ships under false flag that served as one of the causes of the declaration of war by Italy on Germany in 1916. However, the German U-boats operated openly against Italian trade by early 1917.

Arnauld de la Perière's submarine strictly followed cruiser warfare protocol. He often sank armed enemy naval vessels without warning; in the case of unarmed merchant vessels, however, he stopped the ship, examined its papers, allowed the crew time to get into lifeboats and provided them with directions to shore before sinking the vessel. Sometimes he would take the merchant ship captains prisoner, keeping them aboard until he could return to port with them. On his voyage in February and March 1917, he brought aboard a movie cameraman, who filmed the sinking of several merchant ships.³² The surviving film from that cruise contains a clip of a four-masted schooner, very similar to the *Lyman M. Law*, being consumed in flames, and quickly sinking into the sea.³³

Arnauld de la Perière lowered his own flag when he saw that the *Lyman M. Law* flew the American flag, and sent an officer aboard the schooner to determine the nature of the cargo. At first he was inclined to release the schooner, but after discussions with the lieutenant who boarded the schooner, decided that the crew should be put off in boats, provisions should be removed, and the schooner destroyed. McDonough divided the crew between a motor launch and a lifeboat, and with the launch towed the lifeboat some twenty-five miles to land. He coasted along the shore of Sardinia to Cagliari, arriving after about twenty-five hours at sea. Since the weather and sea state were mild, the crew

³⁰ Gray, *The Killing Time*, 171, 224.

³¹ Gray, 174. Cattaro is the Italian spelling for the town of Kotor, a very minor port in Montenegro.

³² The film is reproduced in "World War I Films of the Silent Era," Blackhawk Films (available on DVD). The liner notes to the DVD explain that the film, "Log of the U-35," had been adapted from the German film, "*Der Magische Guertel*" (The Enchanted Circle).

³³ Arnauld de la Perière left a memoir of his experiences: *'U 35' auf Jagd, von Lothar v. Arnauld de la Perière ... Mit Zeichnungen von Karl Mühlmeister*. (Gütersloh, 1938).

were in no danger and all arrived safely without casualty.³⁴

Mistakes and confusion in news as well as consular reports abounded. The exact location of the schooner when attacked was not clear. The fact that Germans considered lumber as contraband, and that the lemon-crate shooks technically constituted a form of lumber, made the determination that the cargo was contraband a rather debatable point. Cagliari, where the schooner crew first took refuge, is a remote port on the southern tip of the island of Sardinia, and news from there was filtered by delay, confused reports, and perhaps some interpretation and speculation by newsmen along the pathway of news from the island to Italy to the American newspapers and readers. As a consequence, the American public got a very inexact impression of what had happened to the *Lyman M. Law*.

As in the case of the *Housatonic*, the *New York Times* immediately reported the State Department position that the attack would not be seen as an “overt act,” or a *casus belli*, even before all the facts had been established.

Unless the *Law* was sunk without warning, the attack will be treated by the Administration, it is believed, as merely one of a series of cumulative incidents. The *Law* carried a cargo of lumber. Lumber is regarded as contraband by the German Government, and the submarine commander may set up that justification. In this respect the destruction of this schooner, provided warning was given, would resemble the case of the American sailing vessel *William P. Frey* which was sunk in the Pacific by the former German auxiliary *Prinz Eitel Friedrich* for carrying wheat bound for a British port. . . .³⁵

Hungry for details and awaiting the arrival of McDonough in Rome to give further information, American reporters interviewed George W. F. Green, President of the Maritime Transportation Company in New York City. Green was indignant, and said that he intended to file a protest with the State Department. Green suggested that the American flag should protect hardy New England sailing vessel sailors, especially since they had deep American ancestral roots. “Captain McDonough is a ‘down Easter,’” said Green, “an American of three generations, a sailor out of New England ports for more than twenty years. His men, with one exception, are stanch [sic-staunch] New England stock. Their ancestors fought in the Revolution. Now, if they are not entitled to protection, who the devil is?” Green also observed that the schooner carried no contraband.³⁶ It was apparent that he did not define contraband in the same fashion as did the *New York Times* writers, the U.S. State Department, or especially, the German authorities.

When interviewed in Rome, McDonough continued to give a somewhat revised account of the incident, noting “that the vessel had a large supply of canned goods, especially meat, chickens and vegetables, which doubtless attracted the officers and crew of the submarine in their search for food.” He described the submarine crew as “about forty men—all big, blond, husky fellows.” McDonough said, “If my ship had been armed

³⁴ *Papers relating to the foreign relations of the United States* (henceforth, *FRUS*) 1917: supplement 1. *The World War*, 189.

³⁵ “Austrians Sink American Ship,” *New York Times*, 15 February 1917.

³⁶ “Six British Ships Sunk by U-Boats,” *New York Times*, 16 February 1917

with a five-pounder I could have destroyed the submarine as easily as buttering a piece of bread. Neither myself nor my men lowered our dignity by showing any resentment. I didn't ask them to spare the ship and left her smilingly, while the Germans also smiled." Despite the note of polite and diplomatic behaviour suggested by McDonough, the bellicose phrase regarding the five-pounder gun made it into the story's headline, probably because of a growing movement by late February to provide government arms to U.S. merchant ships.³⁷

The fact that the news reached the United States in several ways, through consular reports released to the press in Washington, in news stories reproduced from the Italian press, and in reports wired to the United States from Cagliari, Citta Vecchia, and Rome, helps account for the somewhat varied tone of the reports and the minor inconsistencies in coverage of the facts. Headline writers naturally emphasized the most sensational aspects of the accounts.

The facts were still a bit unclear even ten days later when the *Independent* offered the opinion that "The Law case is of more importance than would appear from the comparatively slight [financial] loss, for it may be the 'overt act' on which President Wilson threatened strong measures." While admitting that the loss of Americans embarked on belligerent ships would leave debatable how much responsibility the United States should take, the fact that the schooner and its crew were Americans seemed significant to this opinion journal. The *Independent* doubted whether the lemon shocks could be regarded as contraband, and dismissed the question of the ship's exact location. Whether or not the schooner was in the permitted safety zone or in the barred zone, "would not matter much since the United States does not recognize the legality of the danger zones designated."³⁸

Wilson made his view of the matter quite clear however, when he mentioned by name the *Housatonic* and the *Lyman M. Law* as not meeting his definition of an overt act that would require stronger measures. Both ships had been sunk after identification of contraband aboard, and after safe evacuation of crew. Thus neither *Housatonic* or *Lyman M. Law* was an act of war, any more than the loss of other American ships over the prior two years in similar circumstances. Still, Wilson noted, the "situation is fraught with danger," as he asked Congress for the authority to arm merchant ships for self defence against U-boats.³⁹

IV: Zimmermann Note and Algonquin

On 17 January 1917, cryptanalysts in the British Admiralty partially deciphered a note from German Foreign Minister Arthur Zimmermann to the German ambassador in the United States, Johann von Bernstorff, a note that when finally released, would shock

³⁷ "Lyman Law's Skipper Wished for 5-Pounder; McDonough says he could have sunk U-Boat as Easily as buttering a piece of bread," *New York Times*, 19 February 1917.

³⁸ "The Sinking of the 'Law,'" *The Independent*, 26 February 1917, 341.

³⁹ "Right to Arm Ships Asked," *New York Times*, 27 February 1917; "Armed Neutrality: The President asks authority to Safeguard our Rights," *The Independent*, 5 March 1917, 396, datelined Washington, 26 February.

much of the American public out of its neutral stand and help bring the United States closer to war. Zimmermann requested that Bernstorff contact the German minister in Mexico City and offer an alliance with Mexico with a promise to help Mexico regain territory lost to the United States in the Mexican American war in 1846-48, including Texas, Arizona, and New Mexico. After ensuring that they could conceal the means of obtaining the telegram, the British released it to the American ambassador in London, Walter Hines Page, who sent it to the State Department in Washington, where Wilson received it on 24 February 1917. Wilson was stunned when he realized the Germans had used a cable line he had insisted they be allowed to use for peace negotiations, to send the encoded telegram offering an anti-American alliance to Mexico and possibly to Japan. Only after a delay of four days did he release the telegram to the public, through the Associated Press, on 28 February 1917.

Some scholars of the Zimmermann telegram incident have stated or implied that it was the “overt act” that brought the United States into the war.⁴⁰ However, Wilson did not ask Congress to declare war until 3 April 1917, fully six weeks after getting the note. He in fact did not see the note as an action, but rather as a statement of policy of what Germany would seek to do if war did occur. Only when the sinking of specific ships is considered, can the several weeks between the receipt of the telegram and the request for a declaration of war be explained.

As Wilson sought to get congressional approval for a policy of arming merchant ships in the last week of the congressional session, the news of the Zimmermann telegram swept the country. In the Senate, a small group of convinced neutralists, led by Robert La Follette, launched a filibuster against the Armed Ship Bill, and the Senate reached the end of its session before Wilson’s re-inauguration on 5 March without bringing his bill to a vote. The Senate had no provision for voting cloture at the time, and in fact it was this episode that led the Senate to change its rules to allow cutting off debate in a special session in early March 1917. Wilson was outraged that the vast majority who supported the bill in the Senate could not vote for the measure, and in a rare burst of anger, he released a statement condemning the action of “a little group of willful men representing no opinion but their own.”⁴¹

In his inaugural address on 5 March, Wilson alluded to the fact that the nation might have to take stronger action, and he was clearly worried that some event would push the nation into war. Although angered at both the Zimmermann telegram and the unwillingness of the Senate to back his decision to provide arms for self-defence for merchant ships, Wilson still hoped for the best, fully ten days after getting the decrypted Zimmermann telegram. Very few American ships had left harbor for Europe since the German announcement, by one count less than ten prior to the end of February. Two of

⁴⁰ Barbara Tuchman, *The Zimmermann Telegram* (New York: Ballantine, 1979), 150. Ms. Tuchman refers to the telegram as the overt act in other contexts as well, for example on p. 149. Patrick Beesly, *Room 40: British Naval Intelligence 1914-18* (London: Hamish Hamilton, 1982), 204-36; David Kahn, *The Codebreakers* (New York: Signet, 1973), 129-53 implies but does not state, that the telegram was the overt act.

⁴¹ Woodrow Wilson, 4 March 1917, as quoted in David Houston, *Eight Years With Wilson’s Cabinet, 1913 to 1920* (Garden City, NY, 1928), 240.

those were destined to be sunk, the *Algonquin* from New York, and the *Healdton*, from Halifax.

The *Algonquin*, a freighter commanded by Captain A. Nordberg, and owned by the American Star Line in New York, left New York for British ports on 20 February.⁴² The *Algonquin*, a single screw steamship of 1,806 gross tons, had been built in 1888 at Yoker yards in Glasgow, by Napier Shanks and Bell, Limited. Originally owned by the Canadian Northwest Steamship Company, she was transferred to the St. Lawrence and Chicago Steam Navigation Company, Limited of Toronto. The Port Colborne and St. Lawrence Navigation Company acquired the ship about 1912 and ran her in the grain trade until 29 December 1915 when she was sold to A.B. McKay, in Hamilton, Ontario. In 1916 she entered saltwater trades, under the Nova Scotia Steel and Coal Company with British registry. In December 1916 she transferred to U.S. registry.⁴³ With the U.S. transfer, she had been sold to William Wotherspoon in New York. By the time she steamed out of New York on 20 February, she had been taken over by the American Star Line.⁴⁴ The day after she left port, she was sold to John Stephanidis and J. D. Benas, who were also participants in the American Star Line. The 2,800 tons of foodstuffs and other cargo aboard were valued at \$1.25 million.⁴⁵ The owners had agreed to give the officers of the ship a war bonus of fifty percent in wages, and a bonus of twenty-five percent to the crew. If the vessel were to be captured or destroyed, the crew would be paid the bonus with wages until they could be returned to the United States.⁴⁶

The *Algonquin* was sunk on 12 March by *U-62* under Ernst Hashagen, and first the reports came from U.S. Consul Joseph G. Stephens at Plymouth. "Steamer *Algonquin* of New York, from New York for London with foodstuffs, sunk by German submarine sixty-five miles west of Bishops [Rock] March 12, 6.AM. Captain reports vessel not warned and sunk by shell fire. Crew of twenty-seven all saved in own boats. Submarine refused assistance. No other boats in sight."⁴⁷ Stephens later corrected his report on the

42 "American Crews Paid Off; Line Abandons Sailings from Here after Many postponements—Detained for Auxiliaries—Rumor that Guns Received at Navy Yard Will be Used on For Steamships—American Freighters Sail—Mongolia and *Algonquin* first to Start for England since the German Note—Berlin's Fresh Warning to Us to keep Ships Away," *New York Times*, 21 February 1917.

43 Toronto Marine Historical Society, *Scanner*, 8, No.2 (November 1975).

44 "Algonquin Sinking Won't Alter Policy—Washington Already Has Taken Last Possible Step Short of Declaring War—Other Americans in Peril—Two were on Board The British Steamer *East Point* When She Was Sunk," *New York Times*, 15 March 1917.

45 "Puzzled by *Algonquin* Trip," *New York Times*, 15 March 1917. The American Star Line was a very small company, owning only one other ship at the time. The changes of ownership indicate that not all participants in the company chose to back the risky voyage, selling at the last minute to Stephanidis and Benas.

46 "American Crews Paid Off," *New York Times*, 21 February 1917.

47 "Algonquin Sinking Won't Alter Policy," *New York Times*, 15 March 1917. The identification of the submarine and its commanding officer was not made at the time, and has been established through Arno Spindler, *Der Handelskrieg mit U-Booten* (Berlin: Verlag von Mittler & Sohn, 1941) 4: 73.

cargo, which in addition to “foodstuffs,” consisted of “copper, tin, machinery, acids, and formaldehyde.”⁴⁸

The fact that several gunshots at the ship might be taken as warning shots did not seem to be reflected in early reports. The *New York Times* commented on this and other niceties that reflected well on the Germans:

The circumstance that the *Algonquin* carried foodstuffs which are contraband and that she recently was transferred from British to American registry, a transaction Germany might plead she would not recognize, are not taken to outweigh the fact that the ship was reported destroyed without warning. Neither does the fact that apparently no lives were lost mitigate the situation. But the real fact, as officially expressed, is that while the destruction of an American ship in such a manner is very serious the American Government already has taken all the steps it can take to meet such a case, unless it wishes to take the last step and declare war. The real issue of peace or war is expected to come when an American armed ship has a clash with a German submarine. A series of destructions of American ships probably would arouse congress to a declaration of war, if indeed Germany should not declare war on the United States, as many expect, as a result of the first encounter with one of her submarines. Up to the present, in the absence of action by congress, all that could be done to meet such a case as the destruction of the *Algonquin* already has been done. It is generally accepted on first reports as not being the “overt act.”⁴⁹

The co-owner of the ship, John Stephanidis, in an interview quoted in the *Christian Science Monitor*, gave the opinion that the sinking of the *Algonquin* was indeed the “overt act.” Several other newspapers emphasized the indications of German ruthlessness in the episode, such as the *Atlanta Constitution*, that headlined its story: “Germans Merciless to *Algonquin* Crew after Sinking Ship--Submarine Commander Gruffly Refused to Tow Boat in Which American Captain and Sailors took Refuge.”⁵⁰ However, the fact that *Algonquin* had only recently transferred from British to U.S. registry disqualified the incident as a cause of war. Under established international law, transfers of registry from a belligerent flag to a neutral flag that took place after the war began were regarded as no protection. That position was held not only by Germany, but by Britain and France as well, and had been reflected in the unsigned Declaration of London of 1909 that had attempted to encapsulate existing rules of blockade and commerce warfare.⁵¹

⁴⁸ Consul Stephens to the Secretary of State, 15 March 1917 (File No 300.115A13/3), *FRUS, 1917, Supplement I, Part II, Neutral Rights*, p. 117.

⁴⁹ “*Algonquin* sinking won’t alter policy,” *New York Times*, 15 March 1917.

⁵⁰ *Christian Science Monitor*, 15 March 1917; *Atlanta Constitution*, 15 March 1917; “U.S. Ship Shelled and Sunk Without Warning—*Algonquin*, Innocent Freighter is Victim,” *San Francisco Examiner*, 15 March 1917.

⁵¹ In several prior cases, the United States had formally protested the sinking or confiscation of U.S.-registered ships by either Germany or Britain but the protests had been met with the argument that under international law, transfer of flag after the beginning of the war disqualified the ship from receiving U.S. representation. Articles 55-57 of the unratified Declaration of London of 1909 explicitly stated that such transfers should not offer

In assessing the public and official impact of the sinking of *Housatonic*, *Lyman M. Law*, and *Algonquin* it should be remembered that these events were relatively small news compared to the grand events unfolding in the same period. Other events that competed for front page space included not only the Zimmermann Telegram and the Armed Ship Bill debate, but the news of the overthrow of the Czar in Russia on 15 March, along with rumors of a major German retreat. The sinking of three U.S. ships, with no casualties, had made the front pages for only a day or two.

Even so, the Wilson administration was watching carefully. The tipping point would have to be an unambiguous point of law: an American ship sunk without warning by a German submarine. For this reason, the American consuls in Europe were careful in gathering details and affidavits, and promptly reporting the specifics of each episode. Their reports were closely examined by Secretary of State Robert Lansing and his lead assistant, State Department Counselor Frank Polk. In the event, the overt act came on 16 March 1917, the day after the abdication of the Czar in Russia.

V: *Vigilancia* - The Overt Act

The U.S.-registered freighter *Vigilancia* neared the end of its voyage across the Atlantic on the cold morning of Friday, 16 March 1917. Built in 1890 by the Delaware River Company, *Vigilancia* was owned by Gaston, Williams, and Wigmore, of 140 Broadway, New York, a firm which had burgeoned during the war on the basis of exports of goods to the Allies, especially automobiles and trucks. The 4,115-gross-ton *Vigilancia* was bound for Le Havre from New York, carrying a general cargo including goods declared contraband by Germany. She plowed steadily through the heavy swell some 150 miles west of Britain's Bishop Light. At about ten in the morning, the officer of the watch and a lookout spotted, just off the starboard side, a straight streak in the water. It was the track of a torpedo that passed harmlessly behind the ship. A minute later, another torpedo struck just aft of amidships with a loud explosion, and the ship immediately began to take on water.⁵²

Within five minutes, the crew, a cosmopolitan grouping of Americans, Latin Americans, Greeks and Spaniards, lowered all four lifeboats and scrambled into them. But as the sinking steamship still made headway, Captain Frank Middleton's boat and third officer Neils North's boat both capsized in the frigid, heaving swell. The captain and most of the crew in his boat were pulled from the water into one of the upright lifeboats, but eleven men from North's boat and four from the captain's boat drowned. As the

protection.

⁵² Details of the voyage, "Names Americans lost on *Vigilancia*—Plymouth Consul Reports Five and Also Ten Dead of Foreign Nationalities—Tuscania Dodged U-Boat—Passengers Arriving Here Describe Exciting Encounter—Saw a Supposed Raider," *New York Times*, 22 March 1917, and "Submarine Trailed *Vigilancia*'s Boats—Hoped to Torpedo ships Drawn by their Flares, Survivors at Halifax Assert—Two Life Craft Capsized—Assistant Engineer, Partly Clad in Bitter Cold, Swam a Mile—his Mates Drowned," *New York Times*, 2 April 1917; the submarine was accurately reported to be *U-70* and the commander of that U-boat during this period was Otto Wunsch, as noted in Spindler, *Der Handelskrieg mit U-Booten* 4: 96.

waves carried the seaworthy lifeboats away, one lone survivor from North's capsized boat, Assistant Engineer Walter Scott, shed his heavy outer clothing in the water. He began swimming the lonely mile to the drifting boats. Nearly exhausted, he made it, and joined Middleton and the other survivors. Altogether thirty surviving seamen huddled in the two boats.

Among the fifteen men who drowned from the capsized lifeboats were six Americans: North, C.F. Aderhold, an assistant engineer, Estphan Lopez, the mess boy, F. Brown, the carpenter, and Joseph Siberia, the quartermaster. Seaman A. Rodriguez, from Puerto Rico was the sixth American. The other victims were a Peruvian, a Venezuelan, two Greeks, and five Spaniards.⁵³

Over the next night and day the survivors sailed and rowed 150 miles to the east, drawing drinking water and biscuits from the supply aboard the lifeboats. For several hours, from ten o'clock in the evening until two-thirty in the morning on the first dark and bitter cold night, they spotted a submarine tracking them.⁵⁴ They guessed it was the one that had torpedoed them, lurking just within the glare of the emergency flares they lit and held aloft in the vain hope of attracting another ship or getting a little warmth. Later, some of the survivors concluded that the submarine captain shadowed them in the expectation that another ship would come to their rescue and could be torpedoed as well.⁵⁵

The small sailing lifeboats arrived at the southwestern tip of Britain on Sunday 18 March, with all the crew exhausted and suffering from exposure. At Plymouth, they were debriefed by the American consul, Joseph G. Stephens, who wired the bare outline of their ordeal to the State Department in Washington. American newspapers carried versions of their story on Monday 19 March. Most of the survivors soon got passage back to the United States by way of Halifax, Nova Scotia, arriving 1 April to tell their tale once more to waiting newsmen at the Canadian port.⁵⁶

The six Americans lost that cold March morning were the first American seamen ever to die after the intentional torpedoing of an American-registered ship by a German submarine. Their names were little heralded, partly because they belonged to the exploited and forgotten community of merchant mariners. Indeed, the *New York Times* and other papers reported at first that only five Americans had died, forgetting that A. Rodriguez, as a resident of Puerto Rico, was an American citizen. Puerto Rico had been a territory of the United States since it was taken from Spain during the Spanish-

⁵³ *New York Times*, 2 April 1917. Consul Stephens' reports regarding these ship losses were very specific as to the number of Americans killed or missing. State Department officials apparently held that loss of foreign sailors aboard U.S. registered ships was less significant, as a possible overt act, than was the loss of life of American seamen aboard American ships. The name "Siberia" may have been a misspelling.

⁵⁴ *American Journal of International Law*, 11, No. 4 (October 1917): 145, Stephens Consular Report from Plymouth, dated 21 March 1917; "Fifteen Lives Lost in Sinking of Vigilancia—Captain Says American Ship was Torpedoed Without Warning," *Chicago Tribune*, 20 March 1917.

⁵⁵ *New York Times*, 2 April 1917.

⁵⁶ *New York Times*, 2 April 1917.

American war, nineteen years earlier, and Puerto Ricans had been admitted to U.S. citizenship by the Jones Act, signed 2 March 1917, two weeks before the attack.

The attack on the *Vigilancia* tipped the United States over the brink from neutrality to war. Although it did not convince all in Congress or among the public that Germany had committed an act of war against the United States, it did convince those in the cabinet who until that weekend had continued to hold out for peace. Ultimately, it was the loss of this ship and two others the same weekend that brought the reluctant Wilson around as well.

When the news of *Vigilancia* reached the United States, headlines blared forth that two other American ships had also just been sunk. They were a Savannah Line freighter, *City of Memphis*, on 17 March and a Texaco tanker, *Illinois*, on 18 March. Both ships were returning in ballast from Europe. There were no casualties on either of these ships as all seamen later reached land, reporting discomfort and exposure, but no deaths. The fact that the ships were in ballast, and not carrying cargoes destined for Britain, underscored German ruthlessness. The sinking of unarmed ships without determining whether they carried contraband constituted acts of war. The news of loss of *City of Memphis* came through in a very disjointed fashion, as the lifeboats were separated, and the safety of the crew was not established by American consuls or by the press for several days. Across the United States, newspapers concluded that the three ship losses constituted the overt act. Although presented as sensational news, this interpretation was correct by the standards of international law as understood by Lansing and Wilson.⁵⁷

Actual Facts and Abstract Principles

When Wilson convened his cabinet on Tuesday, 20 March, the only confirmed loss of life from attacks on U.S. ships since the German declaration on 31 January had been from the *Vigilancia*. Secretary of State Lansing noted in his memoirs, regarding the *Vigilancia*, *City of Memphis*, and *Illinois*, that “there could be no question but that the three sinkings manifestly constituted ‘actual overt acts,’ which Mr. Wilson had emphasized in his address announcing the severance of diplomatic relations.”⁵⁸

⁵⁷ “Comment of Today’s Newspapers on Sinkings of American Ships,” *New York Times*, 19 March 1917 (this piece contains quotations discussing a state of war from *New York Tribune*, *New York Herald*, *Springfield (MA) Republican*, *Philadelphia Public Ledger*, *New York Sun*, *The Journal of Commerce*, and the *St. Louis Republic*) ; “Capital Sees Overt Act in U-Boat Attacks,” *Chicago Tribune*, 19 March 1917; “Germans Sink Three American Ships—Vessel Torpedoed Without Warning, Two Sunk by Gunfire—Administration Leaders say that sinkings are unqualifiedly ‘overt act’ ”; “Wilson Awaits Full Details Before Acting,” *San Francisco Examiner*, 19 March 1917; “New Crisis Caused by Destruction of Three American Steamers—Definite and Aggressive Action by President As Result Appear to Be Certain—He Confers with Daniels,” *St. Louis Post Dispatch*, 19 March 1917. The *City of Memphis* was sunk by UC-66, under command of Herbert Pustkuchen; the *Illinois* was sunk on the 18th by Reinhold Saltzwedel, in command of UC-21. The specific submarines were not publicly identified at the time, and have been confirmed from the German record: Spindler, *Der Handelskrieg mit U-Booten*, 4: 131, 148-149.

⁵⁸ Robert Lansing, *The War Memoirs of Robert Lansing* (Indianapolis, 1935), 235-36.

Lansing, who had a good knowledge of the mind of Woodrow Wilson, understood that Wilson did not like facts to alter his preconceived notion of correct policy, and that he would find this episode very disturbing. When the cabinet met and unanimously agreed that a state of war existed on that Tuesday, 20 March, no one mentioned the specific facts, even though the news of the loss of the three ships was at the core of the crisis. No one raised the point that six Americans had died. Lansing, Secretary of Agriculture David F. Houston, Secretary of the Interior Franklin K. Lane, and others recorded the substance and specific content of the cabinet discussion, and their accounts substantiate each other. It was clear from the discussion that the death of American seamen aboard an American flag ship was the event that had changed the minds of even the most convinced neutralists in the cabinet, Secretary of the Navy Josephus Daniels and Postmaster General Albert Burleson, but the ship names and the exact numbers of casualties were not mentioned.⁵⁹

All of the memoirists described the cabinet meeting of 20 March as momentous, and with the atmosphere of a crisis that had reached a head. Wilson listened to his colleagues' opinions respectfully, as each remarked that the United States and Germany were in a state of war, but Wilson held his own views to himself. The next day, 21 March, Wilson decided to convene Congress at the earliest practical date, on 2 April. Wilson did not reveal his intentions. Later on 21 March, Standard Oil's *Healdton* blew up off the Dutch coast, with the loss of twenty-one lives, including seven Americans. News of that event did not reach Washington until after Wilson had decided to ask for the early meeting of Congress. Although the press at the time assumed the ship had been torpedoed by a German submarine, later records released by Germany and Britain indicate that the ship may have struck a British mine that had been laid in a field of 1000 mines off the Netherlands on 19 March.⁶⁰

VI: Wilson's Ideals and the Maritime Facts

The armed merchant ship *Aztec* was sunk, on 1 April, by *U-46* under the command of Leo Hillebrand with the loss of eleven Americans. However, survivors had not spotted the submarine, and assumed that the sinking was probably due to a mine. Then as Congress

⁵⁹ David Trask stated that Wilson decided "about March 20," in his study, *Captains and Cabinets: Anglo-American Naval Relations, 1917-1918* (Columbia: University of Missouri Press, 1972), 50. Josephus Daniels, *The Cabinet Diaries of Josephus Daniels, 1913-1921*, edited by E. David Cronon (Lincoln: University of Nebraska Press, 1963), 117-18; David Houston, *Eight Years With Wilson's Cabinet, 1913 to 1920* (Garden City, NY, 1928), 241-45; Franklin K. Lane to George Whitfield Lane, February 25, 1917, in Link, *Wilson Papers*, Vol 41: 282-83; Josephus Daniels, *The Wilson Era: Years of Peace—1910-1917*, 594.

⁶⁰ Lansing, 237. I am indebted to U-boat specialist Michael Lowery for the information on the British mine, for which he provided the following source: "maps accompanying *Der Krieg im Nordsee*, Volume 6 (part of the German *Der Kriegs zur See* official history series). The specific map is number 16, 'Mineenlage und Sperrgebietesgrenzen 1917.'" British records confirm that the Royal Navy laid a minefield of 1000 mines on 19 March 1917 near the spot of the loss of *Healdton*. A fuller analysis of the evidence in the *Healdton* case is in the author's forthcoming monograph.

Ship Name (type)	Tons	Date	Place	Crew	Dead	U.S. Killed / Total U.S	Owner	Captain	Sunk by
<i>Housatonic</i> (freighter)	3,143gt	3 Feb.	Off Scilly Isles	37	0	0/25	Housatonic Co.	Thomas Ensor	U-53 Hans Rose
<i>Lyman M. Law</i> (schooner)	1,300gt	12 Feb.	Off Sardinia	10	0	0/9	George A. Cardine Syndicate	Stephen W. McDonough	U-35 Von Arnault
<i>Algonquin</i> (freighter)	1,806gt	12 Mar.	Off Scilly Isles	26	0	0/11	American Star Line; Stephanidas	A. Norberg	U-62 Ernst Hashagen
<i>Vigilancia</i> (freighter)	4,115gt	16 Mar.	Off Plymouth	45	15	6/20	Gaston, Williams & Wigmore	Frank A. Middleton	U-70 Otto Wunsch
<i>City of Memphis</i> (freighter)	5,252gt	17 Mar.	Off Ireland	57	0	0/30	Ocean Steamship Company	L. P. Borum	UC-66 Herbert Pustkuchen
<i>Illinois</i> (tanker)	5,225gt	17 Mar.	Off Alderney	34	0	0/16	Texaco	H.H. Iverson	UC-21 R. Saltzwedel
<i>Healdton</i> (tanker)	4,489gt	21 Mar.	Off Holland	41	21	7/13	Standard Oil	Charles Christopher	Mine
<i>Aztec</i> (freighter)	3,727gt	1 Apr.	Off Brest	47	28	11/28	Oriental Navigation	Walter O'Brien	U-46 Leo Hillebrand
<i>Marguerite</i> (schooner)	1,553gt	4 Apr.	Off Sardinia	12	0	0/1	William Chase	Charles W. Willard	U-35 Von Arnault
<i>Missourian</i> (freighter)	7,924gt	4 Apr.	Mediterranean Sea	53	0	0/32	American-Hawaiian Line	William Lyons	U-52 Hans Walther
Totals	38,534gt			362	64	24/185			

Table No. 1 American-Registered ships sunk, February 3, 1917-April 4, 1917

Source for Table: Compiled from reports in *New York Times* and Consular Reports, *Foreign Relations of the United States*. Identity of U-boats and submarine commanders confirmed through submarine records in *Der Handelskrieg mit U-Booten*.

convened, two more ships were sunk, the large freighter *Missourian*, and the schooner *Marguerite* with no casualties aboard either ship. Before the final vote, members of Congress learned of the *Healdton*, *Aztec*, and *Missourian* incidents, but not of the schooner *Marguerite*, as word of that schooner sinking did not arrive until well after the President had signed the joint resolution of Congress.

Table No. 1 (page 61) lists all the U.S. ships sunk between the announcement of unrestricted submarine warfare and the declaration of war and provides the information known about the ships to date.

Although Wilson decided to ask for a declaration of war only after there had been the clear, overt act against the United States in the form of the sinking of the *Vigilancia*, the *City of Memphis*, and the *Illinois*, when he gave his speech to Congress he did not mention by name any of the other American ships that had been sunk since the German announcement of unrestricted submarine warfare. Even though the sinking of the *Vigilancia* was indeed the tipping point in his decision process and that of his cabinet, his rationale for war was phrased, not in terms of this overt act, but in idealistic terms. His most direct reference to the ship losses came early in his address:

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 bereaved and stricken people of Belgium though the later 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. I was for a little while unable to believe that such things would in fact be done by any government that had hitherto subscribed to the humane practices of civilized nations... It is a war against all nations. American ships have been sunk, American lives taken, in ways which it has stirred us very deeply to learn of, but the ships and people of other neutral and friendly nations have been sunk and overwhelmed in the waters in the same way. There has been no discrimination. The challenge is to all mankind. Each nation must decide for itself how we will meet it.⁶¹

From this point Wilson went on to argue that the United States should not act out of revenge, but out of defence of principles, and that the principle of armed neutrality would not work.

The nature of Wilson's address has left historians with a striking problem. He scarcely mentioned the particular events that prompted his decision, and made every effort to justify it in the most idealistic terms. Scholars have therefore had a large task in exploring the president's strong and sophisticated views.⁶²

Wilson, although rather "schoolmasterish" and distant, articulated his ideas quite

⁶¹ The text of Wilson's War Message, delivered 2 April 1917, was widely reprinted. The standard source for all Wilson writings is Arthur Link, ed., *The Papers of Woodrow Wilson* (69 Volumes). The address is in volume 41, p. 519 ff.

⁶² Many historians have noted Wilson's reliance on idealistic grounds. See, for example, Alexander and Juliette George, *Woodrow Wilson and Colonel House* (New York: Dover, 1964), 176, who noted Wilson's "habitual practice of idealizing and moralizing his actions."

clearly. Decisions that infringed upon American rights that were taken by democratic states, such as Britain, would be protested. However, since such decisions represented the will of the British people as expressed through their government, they were legitimate. Thus, differences between the U.S. and British position should be susceptible of amicable settlement. Decisions damaging to American rights and interests taken by autocratic governments that did not represent their people, but only a small militaristic class, were not legitimate. Much stronger action had to be taken against such decisions and they could not be allowed to go forward without resistance. Autocracies had no right to set policy at all.

The United States, as the most powerful neutral and as a democratic state, was in a position that required it to speak for the rights of other neutrals. As the democratically selected head of the U.S. government, Wilson was in the position of speaking for neutral peoples everywhere, whether those neutrals had democratic governments or not. Thus, the United States, and Wilson in particular, were under an obligation to resist the flaunting of neutral rights by any autocratic state such as Germany or Austria-Hungary. He even claimed that he was in a better position to speak for the German people than was the German government.⁶³

For these reasons, it was not simply the loss of a few American lives that served as the *casus belli*. Rather, the non-U.S. citizens killed on those ships, as well as the several hundred passengers and seamen killed on ships of other nations under the policy announced on 31 January, formed part of a broader *casus belli* in his way of thinking. Wilson's focus on the broader set of offenses by Germany against humane practices of war and against neutrals also seemed to reflect an understanding on his part that to meet the requirements for a "just war" as propounded by St. Augustine and other thinkers on international law, *the action had to be in proportion to the cause*. Although the precipitating *casus belli* or act of war was by narrow definition the sinking of *Vigilancia*, *City of Memphis*, and *Illinois*, Wilson provided Congress with a much larger bill of particulars against the German government.

The concept that the United States should be obligated to go to war by acts of war against, or infringement of rights of, *other countries* (even in the absence of any treaty obligation to represent those peoples) was one of the core ideas of "Wilsonianism." Unless this is understood, his action in asking a declaration of war for the sinking of one or two ships and the loss six or thirteen American seamen would seem to be an action out of any proportion to the offense.⁶⁴

The conviction that the United States should respond very differently to the actions of democratic states as compared to those of autocratic states was central to Wilson's thinking. It was not a legal concept, and it did give his actions the appearance of

⁶³ An excellent and brief analysis of Wilson's idealism in this situation is found in Lloyd Ambrosius, *Wilsonian Statecraft: Theory and Practice of Liberal Internationalism* (SR Publications, 1991).

⁶⁴ The total would be six if only the *Vigilancia* were considered; it would be thirteen if the losses on board the *Healdton* (sunk by a mine, but assumed at the time to be sunk by a German submarine) were included. Since the news of loss of the *Aztec* did not arrive until Wilson was delivering his address, it was not part of his case as he made it.

a pro-Allied bias. However, it was one of his core idealistic concepts and it governed his thinking. He made no effort to hide it and expressed it clearly. At the time, his thinking on this score was understood, and many liberals agreed with him. At Lansing's suggestion, Wilson noted in his address to Congress that after the overthrow of the Czar, Russia with its Provisional Government was now a "democracy" along with Britain, France, and Italy.

The fact that six American men had been killed on 16 March was rarely mentioned in the heated debates over a Declaration of War in the Senate and in the House of Representatives on 3 to 6 April. Instead, legislators bloviated on a wide range of favorite topics, including neutral rights, Teutonic autocracy, and the slaughter of men, women and children resulting from the sinking of British passenger liners. A minority of eight senators and fifty members of Congress retained doubts about whether German attacks upon seaborne commerce clearly intended to supply their enemies represented a legitimate *casus belli* for the United States, and they voted against the declaration.

An odd mix of Democrats, Republicans, Progressives, pacifists, and pro-German or anti-British legislators and members of the public had a variety of arguments against war. Some, like Progressive Senator Robert LaFollette pointed out that Germany had not directly attacked America, but only sought to interdict American aid to her enemies. It was not the American people who demanded war, said those on the left, but Wall Street. As far as can be determined, no major opponent of the war chose to focus on the overt acts themselves and analyze whether or not they constituted a just cause for war.

Proponents of war, by far the greatest majority in Congress, condemned the submarine attacks as barbaric, and evidence that Germany combined primitive blood lust with the most advanced technology. Echoes of those debates would be studied and reviewed for decades. Yet the exact nature of the attacks on American shipping and the numbers of casualties to American and foreign seamen were very rarely mentioned, *even though they represented the proximate cause of war*. The fifty Congressmen and eight senators who opposed the war also did not ask for a specific account of the number of Americans killed by attacks by German submarines since the 31 January announcement. At least one of the Senators voting for the war measure, Claude Swanson, Democrat from Virginia, who later served as Franklin Roosevelt's Secretary of the Navy from 1933 to 1939, specifically mentioned the deaths aboard the *Vigilancia* and the *Healdton* as among the acts of war by Germany against the United States, although his comments showed that he did not have the numbers of casualties exactly right. Even so, with his concern for specifics, Swanson was a rarity among the members of Congress, most of whom dealt in larger generalities rather than particular facts.⁶⁵

A review of the *Congressional Record* during the debates over the Declaration of War shows that most members of Congress did not specifically mention the ships destroyed, and the few who did so usually made factual errors. In several cases, the members of Congress conflated the losses aboard the American ships with the losses of American lives aboard ships of foreign registry or with damage to American ships by German surface ships and submarines in 1915 and 1916. Four Senators and four congressmen mentioned at least some of the ten ships sunk since 1 February 1917. All of

⁶⁵ *Congressional Record* 65th Congress, Special Session, 3 April 1917, p. 206 for Swanson.

the eight, except Robert LaFollette, were among those favouring the declaration, and they listed the ship losses as among the many affronts to American sovereignty and principles that required a vote in favor of the resolution. LaFollette mentioned the *Aztec* as a problematic case of an armed ship being sunk. Although Germany had already denied sinking the *Healdton*, her loss was mentioned by some as among Germany's offenses against the United States.

Table No. 2: Congressional Mentions of U.S. Ships Sunk

Debates over Declaration of War, 2-6 April 1917

Senator or congressman Party, State	Ships mentioned	Page
Sen. Claude Swanson D., Virginia	<i>Vigilancia, City of Memphis, Illinois, Healdton</i>	206
Sen. Robert LaFollette R., Wisconsin	<i>Aztec</i>	224
Sen. John Sharp Williams D., Mississippi	<i>Algonquin</i>	236
Sen. Paul Oscar Husting D., Wisconsin	<i>Healdton, Lyman Law</i>	244-245
Rep. John J. Rogers R., Massachusetts	<i>Housatonic, Lyman Law, Vigilancia, Healdton</i>	334
Rep. Henry De La Warr Flood D., Virginia	<i>Vigilancia, City of Memphis, Illinois, Missourian</i>	310 340
Rep. Scott Ferris D., Oklahoma	<i>Vigilancia, City of Memphis, Illinois</i>	392
Rep. John Thomas Watkins D., Louisiana	<i>Housatonic, Lyman Law, Vigilancia, Healdton</i>	395

Source: *Congressional Record*, 65th Congress, First Session, 2-6 April 1917, page numbers as shown.

It was a different world in 1917, driven by ideas, ideals, rhetoric and principle. For many in Congress, the facts might only confuse such issues, and as Lansing observed of Wilson, the facts tended to be inconvenient in the face of preconceived notions. Wilson's neutralism of 1914-17 had been based on a set of ideals that were consistent with his war stand in April 1917. He did not alter his thinking, but continued to believe that democracies expressed the will of the people, that as the duly-elected leader of the most powerful democracy, he represented not only the American people, but people everywhere. While this view can easily be misunderstood as a kind of messianic syndrome, he had arrived at it consciously and logically. It was not some sort of compulsion, but a genuine conclusion, and one that he believed could be reasonably asserted based on the realities of the period.

Even though the United States went to war because of the loss of *Vigilancia* and the men aboard her, Wilson, his cabinet, Congress, and the American people chose to regard the cause of war as a fight of democracy against the british policies of autocracy, in which the ship losses and casualties were merely one factor among many.