

HULL SEEKS FACTS

Concerned Over City of Flint's Crew of 41—President Hopeful

SOVIET STAND FACES TEST

Moscow May Have to Disclose Position in War—Senators See Need to Curb Voyages

By FRANK L. KLUCKHOHN
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WASHINGTON, Oct. 24—All indications today were that the United States Government would request the Soviet Union to return the American steamship City of Flint, reported as taken to the Russian port of Murmansk by a German prize crew after having been seized by a Nazi warcraft. Such a request would test the status of Soviet neutrality.

President Roosevelt expressed the hope at his press conference that the vessel would be recovered. Meanwhile, the government sought full information from Moscow and Berlin as to the seizure of the vessel and final action was withheld pending its receipt.

Immediate efforts were being made to obtain the release of the American crew of forty-one, over the whereabouts of whom Secretary of State Cordell Hull expressed deep concern.

Mr. Hull took the view in his press conference that all indications pointed to a "prize court" action in which the German Government would attempt to obtain final possession of the United States Government-owned ship on the ground that she carried more than 50 per cent contraband. He noted, coincidentally, that the British Government, although it had searched American merchant ships since the war started, had not made any such move.

Ship on Lawful Voyage

Earlier in the day, Stephen T. Early, White House secretary, made clear that the City of Flint was on a perfectly legal and lawful voyage under existing American laws. He added that, under the neutrality legislation requested by the Administration and now pending before Congress, the ship could not have sailed on her ill-fated voyage for a belligerent port.

Secretary Hull emphasized that ordinarily a belligerent seizing a vessel with contraband would take the prize into its own port. But on the basis of the official Soviet News Agency report handed to Ambassador Laurence A. Steinhardt this morning by Soviet Premier Commissar of Foreign Affairs Vyacheslav Molotov, it appeared that a new crew was installed on the City of Flint and a different flag placed over her. This, Mr. Hull said, seemed to point to use of force all through, and to a prize court proceeding.

That the German action in taking the City of Flint into a Soviet port had caused both surprise and a degree of confusion in official circles here was obvious from the tenor of official comment today. Problems relating to the right of seizure under international law were being carefully investigated by the State Department.

Grounds for Release Seen

While complete and official facts on the case were awaited, and exact precedents were difficult to find, the view was widely expressed that under the peculiar circumstances, the Soviet Government could find grounds for releasing the vessel if it so desired.

The case regarded by international legal experts here as the closest parallel to that of the City of Flint concerned the British steamer Appam, captured in 1918 by the German raider Neowe and sent into Hampton Roads, Va., with a prize crew aboard.

The German Ambassador informed the State Department of the intention of the vessel to remain in port until further notice. The United States Supreme Court ruled that the ship and her crew must be released after the British shipping concern involved brought suit demanding this. In its ruling, the Supreme Court said:

"It is familiar international law that the usual course after the capture of the Appam would have been to take her into a German port, where a prize court of that nation might have adjudicated her status,

and, if it so determined, condemned the vessel as a prize of war. Instead of that, the vessel was taken neither to a German port, nor to the nearest port accessible of a neutral power, but was ordered to and did proceed over a distance of more than 3,000 miles, with a view to laying up the captured ship in some American port."

Envoy Seeks More Facts

The City of Flint was first taken into the port of Tromsø, Norway, by the German prize crew after her capture last Friday, according to a report last night by the Maritime Commission. Subsequently she must have been transferred to Soviet Murmansk.

President Roosevelt said that Ambassador Steinhardt was attempting to ascertain all the facts in the case, but that as yet the Soviet government itself did not have full information on the matter. Secretary Hull had said earlier that cables sent to American representatives in Moscow and Berlin had been so worded as to let American diplomats know what their functions were, although these instructions were, primarily, to get the full official facts.

A Soviet refusal to return the City of Flint might lead this country to ask the U.S.S.R. for a re-statement of its position in the war. An unsatisfactory answer, coupled with a failure to return the ship, could be used as a basis for classifying Russia as a belligerent, it was held in some informed quarters.

The Secretary of State reiterated several times his desire to know the whereabouts of the American crew of the City of Flint and expressed his desire, in this connection, to obtain their account of what had occurred. It was believed that definite representations in this connection had been made in Moscow.

Only Part of Cargo Contraband

He said that the United States had reserved all rights for itself and its nationals under international law and that only a limited quantity of the 5,000-ton cargo on the City of Flint comprised items on Germany's absolute contraband list. Under international law a ship may be permanently seized only if more than 50 per cent of her cargo consists of absolute contraband.

Mr. Hull remarked that probably more than half of the vessel's cargo of more than fifty items consisted of conditional contraband. Conditional contraband consists of items like foodstuffs which do not constitute war supplies unless intended for a belligerent army or government.

The fact that the City of Flint belongs to the government has little bearing on the case, it was indicated by President Roosevelt. He said that the vessel had the status of a privately owned craft, since she was leased to a private shipping firm.

The President said that he could not have kept the City of Flint from sailing for a belligerent port since he had no such authority under existing legislation. Earlier, Senator Robert A. Taft of Ohio, Republican, criticized the Maritime Commission for permitting the City of Flint to sail for England.

The Flint case raised several questions regarding the British blockade of Germany and the search of American ships. Secretary Hull disclosed that the Black Diamond Lines had complained to the State Department of lengthy delay in British inspection of two of their vessels and that the Moore-McCormack Shipping Company also had two of its vessels held in port for a period.

Inspection Arrangements Made

The Secretary of State noted that arrangements had been made between the British Government and American shippers to facilitate inspection of American vessels. Specifically the British had designated several ports to which American ships can go for inspection of their cargoes. He said that, while all belligerents have an equal opportunity to work out such arrangements, all of them have not equal ability to execute them. Apparently he was referring to the limited strength of the German Navy.

Mr. Hull was asked whether there were any special circumstances in the Flint case that would lead a government agency to put out a report of the seizure of an American vessel by Germany when not one had been issued about British seizures. The Maritime Commission issued an official statement on the Flint seizure yesterday.

The Secretary replied that American shippers and the British Government have settled matters between themselves without any complaint being made. In answer to another question as to whether any complaints had been made in the Flint case, he said that they had not, except for public requests for information.

Asked whether the Black Diamond Line complaints about Great Britain's holding of American vessels had ever been made public, he answered merely that they were in the press for some weeks and that the question of facilitating the voyages of these vessels had been taken up with the British Embassy. He stressed that there was a difference between search by the British and indications, based on preliminary information, that the Germans plan a straight prize seizure, with regard to the seizure.

"It emphasizes the necessity, I think, of passing the present Neutrality Bill to institute some control over shipping."