

BRITISH EMBASSY,
WASHINGTON, D.C.,
November 3rd, 1939.

No. 1230.

My Lord,

-/2
Your Lordship will recollect that in accordance with the instructions contained in your telegram No. 418 of August 25th, Sir Ronald Lindsay informed the State Department unofficially on that day that His Majesty's Government had decided to begin the defensive arming of certain British merchant vessels. As reported in my predecessor's telegram No. -/3 379 of August 27th, the matter was referred to the President and the State Department subsequently informed the Embassy privately that no difficulties were likely to be experienced by British merchant ships carrying such armament entering United States ports.

2. Since that time many British merchant ships have arrived in this country from Europe carrying one or two guns and in certain cases one or two anti-aircraft guns as well, and as far as I am aware no difficulties have been experienced. The press as was to be expected at first commented on the arming of these ships and published photographs of their guns but there was little or no tendency on the part of the papers to criticise the decision of His Majesty's Government to arm these vessels.

3. In the early days of the war some of the British shipping agents in New York were nervous lest

The Right Honourable

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ships/

The Viscount Halifax, K. G.,

etc., etc., etc.

INDEX

ships armed with anti-aircraft guns might experience some difficulties and it was suggested that some steps should be taken to obtain a definite statement from the American authorities regarding their attitude in the matter. I thought it unnecessary however to take such action in view of the assurances already given by the State Department and felt that it would be unwise to endeavour to pin them down to any definite official statement of policy on the question. I therefore decided not to approach the State Department again and as indicated above no difficulties have as yet arisen in connexion with the entry of such defensively armed merchant men into American ports. Furthermore as reported in my telegram No. 640 of October 19th, the President when issuing his proclamation under section 8 of the Neutrality Act prohibiting submarines of belligerents from using United States ports, refrained from exercising his power similarly to exclude armed merchant vessels. It was indeed proposed during the debate on the revised Neutrality Bill in the Senate that a provision be inserted insisting on armed merchant men visiting United States ports being treated as if they were warships. This amendment was however defeated on October 27th by 65 votes to 26.

299/103

4. On the other hand, you will have noticed from my despatch No. 1129 of October 6th that paragraph (j) of the Fifth Recommendation (General Declaration of Neutrality of the American Republics) of the Panama Conference runs as follows:-

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"(j) Shall not assimilate to warships
belligerent/

"belligerent armed merchant vessels if they do not carry more than four six-inch guns mounted on the stern, and their lateral decks are not reinforced, and if, in the judgement of the local authorities, there do not exist other circumstances which reveal that the merchant vessels can be used for offensive purposes. They may require of the said vessels, in order to enter their ports, to deposit explosives and munitions in such places as the local authorities may determine."

1601 / 7

5. In his conversation with me on October 18th Mr. Welles told me that as he interpreted this resolution anti-aircraft guns mounted on merchant ships would be treated as defensive armament - see my telegram No. 635 of October 18th. The Under Secretary of State also however explained, contrary to my expectation, that the resolutions of the Panama Conference were to be regarded not as made "ad referendum" but as being operative "in so far as their text implied it".

6. In view of Mr. Welles' remarks I thought it advisable to enquire unofficially of the State Department as to their intentions in the matter.

7. The Counsellor of His Majesty's Embassy therefore saw Mr. Moffat, the head of the European Division, on October 24th and enquired whether in view of the Panama resolution any change in the attitude of the State Department in the matter of armed merchant men was to be expected. In particular Mr. Mallet asked whether if the United States authorities decided to act on the Panama resolution they would interpret this as allowing merchant vessels to carry anti-aircraft guns in addition to the 4 6-inch guns, and as permitting the decks of the ships to be strengthened sufficiently

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to enable to carry the four guns and whether one or more of the four guns permitted could be mounted on the bows or whether they must all be in the stern. Mr. Mallet pointed out that it would only be fair that we should be informed beforehand if objection was about to be taken by the United States authorities to what had indeed seemed to be becoming our current practice in the case of certain ships.

6. Mr. Moffat promised to look into the matter. He has now sent an oral message that unless Congress at any time took some action in the matter - which seems very unlikely at the present moment - he did not anticipate any executive action at any rate yet awhile. He could naturally not make any promises but he felt at least able to undertake that if he heard that any action was contemplated he would try to let the Embassy have fair warning so as to avoid any embarrassment in respect of ships already at sea.

I have the honour to be,
 with the highest respect,
 My Lord,
 Your Lordship's most obedient,
 humble servant,

(SGD) LOTHIAN