SINKING JUSTIFIED, SAYS DR. DERNBURG

Lusitania a "War Vessel," Known to be Carrying Contraband, Hence Search Was Not Necessary.

'AMERICANS USED AS CLOAK'

But Were Amply Warned—German Agent Also Upholds Hidden Attack on the Gulflight.

Special to The New York Times.

CLEVELAND, May 8.—Justification of the sinking of the liner Lusitania by German submarines as a man of war was advanced today by Dr. Bernhard Dernburg, former German Colonial Secretary and regarded as the Kaiser's official mouthpiece in the United States. Dr. Dernburg gave out a statement at the Hollenden Hotel following his arrival in Cleveland to address the City Club at noon on Germany's attitude in the present war.

Because the Lusitania carried contraband of war and also because she was classed as an auxiliary cruiser and was at the disposal of the British Admiralty, Germany had a right to destroy her regardless of the passengers, which included nearly 200 Americans, Dr. Dernburg said. Warnings given by the German Embassy in public advertisement before the sailing of the Lusitania, he added, together with the note of Feb. 18, declaring the existence of war zones, relieved Germany from responsibility for the loss of the many Americans.

The blowing up of the American tank liner Gulflight, carrying a cargo of oil for France, also was characterized as justifiable by Dr. Dernburg.

Dr. Dernburg's Defense.

Dr. Dernburg's formal statement, regarded as highly important in view of the fact that he is recognized as the official spokesman in the United States of the Imperial German Government, follows:

Great Britain declared the North Sea a war zone in the Winter. No protest was made by the United States or any neutral. Great Britain held up all neutral ships carrying non-contraband goods, detaining them, buying or confiscating their cargoes.

Great Britain constantly changed the contraband lists so no foodstuffs of any kind have actually reached Germany since the war began. International law says foodstuffs destined for the civil populatrion must pas. It does not recognize any right to starve out a whole people.

As a consequence, and in retaliation, Germany declared the waters around England a war zone, and started a submarine warfare. It became known in February that British ships were flying the American flag as a protection.

Great Britain replied by officially declaring its purpose to starve 120,000,000 Germans and Austrians. The United States very thoughtfully tried to mediate, proposing that foodstuffs should be passed, and submarine warfare be stopped.

Germany agreed; England turned the proposal down. Then, in order to protect American passengers, they were warned by public advertisement of the danger of sailing under the flag of a belligerent.

Vessels carrying contraband of war are liable to destruction unless they can be taken to a port of the country that captures them. The right of search need not be exercised if it is certain such ships carry contraband.

Oil is contraband like war ammunition and all metals. The master of the Gulflight, (an American oil tank steamer sunk recently,) swore before custom officials to his cargo of oil for France.

The master of the Lusitania similarly swore to his manifest of cargo of metals and ammunition. Both the Gulflight and the Lusitania carried contraband when attacked, it is obvious.

The Lusitania's manifest showed she carried for Liverpool 260,000 pounds of brass; 60,000 pounds of copper; 189 cases of military goods; 1,271 cases of ammunition, and for London, 4,200 cases of cartridges.

Vessels of that kind can be seized and be destroyed under The Hague rules without any respect to a war zone. The Lusitania was a British auxiliary cruiser, a man of war. On the same day she sailed the Cameronia, another Cunarder, was commandeered in New York Harbor for military service.

The fact is that the Lusitania was a British war vessel under orders of the Admiralty to carry a cargo of contraband of war. The passengers had had full warning, first by the German note to England in February, second, by advertisement.

Germany wants to do anything reasonable so as not to make the United States or its citizens suffer in any way. But she cannot do so unless Americans will take necessary precautions to protect themselves from dangers of which they are cognizant.

What Germany has done, she has done by way of fetaliation after her offer through President Wilson, regarding submarine warfare, was turned down and after Britain declared the war was directed toward the 120,000,000 innocent non-combatants, women and children.

Americans can do their own thinking when the faces are laid before them. I have really no authority to speak. But my mission in the United States is to inform your people of the German attitude. The German Ambassador, Count von Vernstorff, can speak only in official phrases. I talk straight out, bluntly.

Dr. Dernberg put much stress on the fact that the Cunard Line officials did not warn American passengers that the ship carried a large store of ammunition and other contraband of war.

Americans a "Cloak."

"Did they issue a warning? I would like an answer," said Dr. Dernburg. "If that warning was not given, American passengers were being used as a cloak for England's war shipments.

"It is not reasonable that such a vessel could not be sunk because there were American passengers on board. They had been warned by Germany of the danger.

"England could hire one American to travel to and fro on each of her ships, carry on shipments of arms, and place her men of war anywhere, if American passengers can be used as shields."

Asked whether he expected action by the United States, because of the Lusitania's sinking, Dr. Dernburg said:

"That is a question I cannot discuss. I can only say that any ship flying the American flag and not carrying contraband of war, is and will be as safe as a cradle. But any other ship, not so exempt, is as unsafe as a volcano—or as was the Lusitania."

Dr. Dernburg merely raised his eyebrows when he was told the Transylvania, another Cunard liner, sailed from New York on Friday night to cover the same route as the Lusitania.

"I can only say that the German warnings will appear henceforth by advertisement. That is significant."

Dr. Dernburg termed "irrelevant" the report that the Lusitania, at the moment of her sinking, was flying the American flag.

"The Germans know there is no American vessel of her size," he pointed out. "Germany, and I, very much regret if there was loss of life in the liner's sinking."

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