

THE UNITED STATES AND THE PROBLEM
OF THE TURKISH STRAITS:
THE FOUNDATIONS OF AMERICAN POLICY
(1830 - 1914)

The modern history of the problem of the Turkish Straits may be said to have begun with the Treaty of Küçük Kaynarca between Russia and the Ottoman Empire on July 10, 1774, under which Russian commercial vessels received the right of passage through the Straits to and from the Black Sea. Subsequently, similar rights were granted to the commercial vessels of other nations as well¹. While the problem of that strategic waterway is as old as the Trojan Wars, and the European Powers, Imperial Russia, France and Great Britain, had long been interested in the Ottoman Empire, and the problem of the Turkish Straits was one of abiding concern, it was not until May 7, 1830 that the young republic of the United States made its first political treaty with the Sublime Porte. Throughout the Nineteenth Century, the American interest was peripheral in character, very much less than that of the European Powers, and so it remained until the coming of the so-called Second World War in 1939, despite the professed American interest during the period of 1917 - 1918, the Wilsonian principle of the internationalization of the Straits in the Fourteen Points, and the Paris Peace Conference.

It is well, perhaps, to recall that the United States sent only observers to the Lausanne Conference in 1922 - 1923 and refused to have anything to do with the Convention of the Straits, even if it did acquiesce in that instrument, and that it sent no observers at all to the Montreux Conference of 1936, once it was clear that the principle of freedom of transit and navigation in the Straits would remain unimpaired. Not until December 3, 1941, four days prior to the attack on Pearl Harbor, did the United States

1. For convenience see Harry N. Howard, *The Problem of the Turkish Straits* (Washington, Department of State Publication 2752 1947), pp. 14 ff. See also J. C. Hurewitz, *Diplomacy in the Near and Middle East*. Volume I. *A Documentary Record, 1535 - 1914* (New York, D. Van Nostrand, 1956), 54 - 61.

declare the defense of Turkey essential to that of the United States, when it extended lend-lease assistance to that country. By this time the problem of the Straits was, indeed, becoming of significance to the United States, and it was of very much concern in the postwar years. The problem was discussed at the Yalta and Potsdam Conferences and during the summer and fall of 1946, the United States entered into the great diplomatic debate with the Soviet Union concerning the possibility of a new regime for the Straits. By February 1952, upon entry into the North Atlantic Treaty Organization, Turkey became an ally of the United States. But this was a matter of the unanticipated, far-off future, in the mid Twentieth Century. True, even during the Nineteenth Century, the United States was interested in the principle of freedom of transit and navigation, both for ships of commerce and of war, as it was in the case of other presumed international waters. But there was relatively little American commerce in the Straits, and the political interests were hardly at the center of attention.

The Foundations of American Policy : The Treaty of May 7, 1830

While diplomatic relations between the United States and the Ottoman Empire were not established until 1830, it is of interest to note that President Adams, in 1799, appointed Mr. William Smith, of South Carolina, then Minister to Portugal, to be Minister to the Sublime Porte, with full authority to negotiate a treaty of commerce and amity, although the mission was soon abandoned. But the American flag was displayed as early as November 9, 1800, flying from the mast of the U.S.S. *George Washington*, under the command of Commodore William Bainbridge, who had been sent to Algeria with the annual American tribute to the Bey, who compelled Bainbridge to carry it to the Sultan, together with a number of passengers. Following the usual courtesies, Bainbridge was well received, Mahmud II caused the vessel to be conducted to the inner harbor, and the Capudan Pasha (Admiral) suggested the negotiation of a treaty. Bainbridge informed the Ottoman official that the President had already appointed a Minister, who expected to arrive within six months, and the Capudan Pasha wrote a letter for the Minister, to be carried as protection in his travels in the Ottoman Empire².

2. See especially Leland Gordon, *American Relations with Turkey, 1830 - 1930 : An Economic Interpretation* (Philadelphia, University of Pennsylvania Press, 1932), Ch. I. For other aspects of Mediterranean piracy see William Harlan Hale, "'General' Eaton and His Improbable Legion", *American Heritage*, Vol. XI, No. 2 (February 1960), 26 - 33, 104 - 106.

American commercial vessels ventured into Ottoman waters even in colonial days, Izmir being the major port of attraction, and between August 1811 and November 1820, leaving aside the period of the War of 1812, no less than thirteen American vessels, on the average, arrived annually at Izmir. But the first American vessel to penetrate the Black Sea, through the Dardanelles, the Sea of Marmara and the Bosphorus, evidently, was the *Calumet*, of Boston, although there was no appreciable trade with Constantinople until after the treaty of 1830.

The Treaty of Commerce and Navigation, which was signed at Constantinople on May 7, 1830³, among other things, essentially secured for the United States the rights which had been granted to other states as to commercial passage of the Straits. Article VII, for example, declared:

The merchant vessels of the United States, either in ballast or laden with the productions of their countries or with productions and merchandise not prohibited of the countries of the Ottoman Empire, may pass from the waters of the Imperial residence and go and come in the Black Sea like the aforesaid nations [most-favored nations].

Nothing, of course, was said as to the passage of American warships, although this was not a matter of particular significance to the United States at the time. Moreover, according to "the ancient rule" of the Sultan's Empire, entrance of men-of-war into the Dardanelles and the Bosphorus in time of peace was prohibited.

Development of the American Position, 1830-1862

President Andrew Jackson sent the treaty of May 1830, with its principle of freedom of commerce, to the United States Senate on December 15, 1830 and that body consented to ratification on February 2, 1831. On March 2, 1831, the United States Congress made appropriations for a Legation in Constantinople and, on April 15, the President commissioned David Porter, then Consul General at Algiers, as Chargé d'Affaires. Porter, who was authorized to exchange ratifications, took passage on

3. D. H. Miller, *Treaties and Other International Acts of the United States of America*, III, No. 69, p. 549. A secret article, according to which certain ships were to be built for the Ottoman Empire in the United States, was rejected by the Senate. It is interesting to note that Commodore John Rodgers, who was authorized to negotiate secretly in 1825 with the Capudan Pasha and instructed to secure freedom of movement through the Dardanelles, visited Constantinople with his fleet in July, 1826.

the U.S.S. *John Adams*, which was permitted to pass the Dardanelles without dismounting her guns, and ratifications were duly exchanged on October 3, 1831.

The Problem of American Warships in the Straits

American commerce was not extensive in the Straits, although clipper ships plied the Mediterranean and, in any case, occasioned few difficulties between the United States and the Sublime Porte. Interestingly enough, however, the problem of the passage of United States warships through the Straits⁴, although not one of major significance at all, did raise problems with the Sublime Porte, and also served to develop American policy with respect to the rules governing international waterways. Moreover, the policy developed with regard to the Straits underwent no essential change, in principle, prior to the outbreak of the so-called First World War, or even until 1923, when the United States acquiesced in the principles enshrined in the Convention of Lausanne.

Without entering into all the interesting details, it will be recalled that in the Convention of London, July 15, 1840, among Austria, Prussia, Russia, the Ottoman Empire and Great Britain, freedom of commerce in time of peace was reaffirmed, while the Straits were to be closed to foreign warships "at all times"⁵. Similarly, the Convention of London, signed

4. It may be noted that the United States frigate, the *United States*, arrived at Constantinople in the autumn of 1835. When Commodore Patterson requested permission of the Sublime Porte to enter the Black Sea, on the advice of the Russian Embassy, the request was declined in order to offer no pretext to other Powers to make a similar request. See especially Serge Goriainov, *Le Bosphore et les Dardanelles. Etude historique sur la question des Détroits. D'après la correspondance diplomatique déposée aux Archives centrales de Saint-Petersbourg et à celles de l'Empire*. Préface de M. Gabriel Hanotaux, de l'Académie française (Paris, Librairie Plon, 1910), 45.

5. Hertslet, *Map of Europe by Treaty*, II, 1008 - 1012; Gabriel Norddounghian, *Recueil d'Actes internationaux de l'Empire Ottoman* (Paris, 1900), II, 303 ff. See also the Russian - Ottoman Treaty of Hünkâr Iskelesi, July 8, 1833 in Hertslet, II, 925 - 928; Norddounghian, II, 230. For backgrounds in this period, in general see V. J. Puryear, *England, Russia and the Straits Question* (Berkeley, University of California, 1931); *France and the Levant* (Berkeley, University of California, 1941); *Napoleon and the Dardanelles* (Berkeley, University of California, 1951), 437 pp; P. E. Mosely, *Russian Diplomacy and the Opening of the Straits Question in 1838 and 1839* (Cambridge, Harvard, 1934); R. J. Kerner, "Russia's New Policy in the Near East after the Peace of Adrianople; including the Text of the Protocol of 16 September 1829", *Cambridge Historical Journal*, Vol. V, No. 3 (1937), 280 - 290; Goriainov, 25 - 81.

on July 13, 1841, by Austria, France, Great Britain, Prussia, Russia and the Ottoman Empire, reaffirmed freedom of commercial passage and the principle of closure to foreign warships at all times⁶. So long as the Porte was at peace, no foreign warships were to enter the Straits, and the signatories agreed to conform to this rule. As in the past, the Sultan reserved the right to deliver firmans of passage for light war vessels under war flags, employed in the service of foreign missions in the Ottoman Empire. Subsequently, these principles were confirmed in the Treaty of Paris, March 30, 1856⁷, following the Crimean War, signed by Austria, France, Great Britain, Prussia, Russia, Sardinia and the Ottoman Empire, and the Black Sea was demilitarized, the flag of war being prohibited "in perpetuity", although the contracting parties were to have two *stationnaires* at the mouth of the Danube, and the Ottoman Empire and Russia were to have six 800-ton steam vessels and four 200-ton vessels.

The United States was not, of course, a party to any of these international instruments and was not intent on accepting the restrictions which they imposed on passage of the Straits by warships. As already noted above, American warships had passed the Dardanelles on a number of occasions. One noteworthy case in the period just before the outbreak of the Crimean War, which had led to the Treaty of 1856, was concerned with the journey of Louis Kossuth, the Hungarian patriot, to the United States, following the defeat of the Hungarian revolutionaries in 1849. Kossuth obtained asylum in the Ottoman Empire, and on February 28, 1851, Secretary of State Daniel Webster, who was much interested in bringing Kossuth to the United States, instructed Mr. George P. Marsh, the American Minister to the Sublime Porte, that "compliance with the wishes of the Government and people of the United States in this respect will be regarded as a friendly recognition of their intercession, and as a proof of national good will and regard". The Ottoman Government was, indeed, well disposed in this connection and, on September 7, 1851, the *U.S.S. Mississippi* sailed from Constantinople up the Dardanelles, and was met by an Ottoman frigate, which had sailed from the Bosphorus, to Gemlik, where Kossuth embarked. There was evidently considerable rejoicing, for we are told⁸:

6. Hertslet, II, 1024 - 1026.

7. Hertslet, II, 1250 - 1265; C. C. Hyde, *International Law* (Boston, Houghton Mifflin, 1945), I, 519 - 521.

8. P. C. Headley, *The Life of Louis Kossuth, Governor of Hungary, Including Notices of the Men and Scenes of the Hungarian Revolution; to which is added an Appendix containing his Principal Speeches, etc. With an Introduction by Horace*

When the sea had trembled to the shouts, Captain Long began again to speak, but the accents died away in "three cheers more for Kossuth!" Tranquillity soon returned to the deck of the noble bark, and Kossuth retiring with his family to his comfortable and pleasant rooms, the *Mississippi* struck with her strong arms the romantic waters of the Dardanelles; the foaming wake lengthened swiftly, and the minarets of the Sultan's domain disappeared in the haze of the distance, while a greater than Czesar was borne away amid the perils of the sea!

Passage of the *U.S.S. Mississippi* in September 1851 had constituted no problem. The case of the *U.S.S. Wabash* in 1858, two years after the signature of the Treaty of Paris, did⁹. The United States sought, in 1858, and subsequently obtained, a firman from the Sultan for the service of the United States Legation. When the somewhat large frigate, the *U.S.S. Wabash*, carrying more than fifty guns, arrived at Constantinople in the autumn of 1858, however, the representatives of France, Great Britain and Russia protested to the Sublime Porte, which, in turn, made representations to the United States Minister, Mr. James Williams. The *Wabash* soon departed for Mediterranean waters, after having received the Sultan on board, since he wished to display special courtesy toward the Americans for the reception which Ottoman naval officers had received in the United States in 1857¹⁰. Prince Gorchakov, the Russian Chancellor, explained that the Russian Imperial Government was not animated by any unfriendly sentiments toward the United States, but was solely concerned with the principles embodied in the Treaty of Paris concerning the passage of warships through the Straits. In a despatch of January 14, 1859 to St. Petersburg, Secretary of State Lewis Cass advised the United States Minister, Mr. Pickens, that since the United States, however, was not a party to the Treaty of Paris, it

Greeley (Auburn, Derby and Miller, 1852), 228 - 229. See also Samuel Flagg Bemis, *A Diplomatic History of the United States* (New York, Holt, 1950), 311 - 312. It should be noted, however, that Kossuth left the *Mississippi* at Gibraltar in order to visit England prior to coming to the United States.

9. For a general analysis of passage of warships during this period, see Erik Bruel, *International Straits: A Treatise on International Law* (London, Sweet and Maxwell, 1947), II. *Straits Comprised by Positive Regulations*, 269, 285 - 289. V. J. Puryear, *Napoleon and the Dardanelles*, 362, notes no archival records as to navigation of the Straits by warships up to 1809, except those of Russia as an active ally from 1798 to 1805. There were some exceptions, including the Russian vessel, the *Kriepost*, in April 1699, and some American vessels, as noted above.

10. Goriainov, 292 - 293; Coleman Phillipson and Noel Buxton, *The Question of the Bosphorus and Dardanelles* (London, Stevens and Haynes, 1917), 151 - 152.

could not "be expected to act in conformity with the views of any other of those parties than the Sublime Porte"¹¹.

The Treaty of 1862

American relations with the Ottoman Empire during the period of the Civil War were very friendly. Mr. E. Joy Morris, who arrived as Minister in Constantinople in 1861, was cordially received. Throughout the war the Ottoman Government looked with favor upon the Union cause, and, on March 26, 1862, an order was issued prohibiting the entrance of privateers or any class of vessels into the ports and waters of the Ottoman Empire fitted out for the purpose of preying upon American commerce and exempting naval vessels of the United States from any restrictions¹². Mr. Morris considered the Ottoman action, taken at his request, as a "sign of the determination of the Turkish Government to discountenance the hostile designs of the rebels against the integrity of the republic of the United States". He noted that the Sublime Porte never recognized the Confederate States of America as a belligerent, despite the action of Great Britain and France. Nor did it, "at any time, directly or indirectly, manifest any sympathy with their efforts for the destruction of the American Union"¹³. To the contrary¹⁴:

During the whole period of the war the war vessels of the United States enjoyed unlimited hospitality of the Turkish ports, and they were never put upon a level with the rebel cruisers, and subject to an odious and unjust restriction of twenty-four hours' stay in the harbors of this empire. The above order was issued in good faith, and it would have been enforced to its full extent had occasion required it.

Moreover, as early as February 25, 1862, the United States and the Ottoman Empire signed a new Treaty of Commerce and Navigation, which was proclaimed on July 2, 1862. Among other things, the new treaty stipulated¹⁴:

11. See especially John Bassett Moore, *A Digest of International Law* (Washington, U. S. Government Printing Office, 1906), I, 664 ff.

12. Department of State, *Foreign Relations of the United States, 1862*, p. 788. See also Mr. Morris' despatch of July 13, 1865, in which he cites the date of this order as April 23, 1862, and provides a text. *Papers relating to Foreign Affairs, Accompanying the Annual Message of the President to the First Session, Thirty-Ninth Congress* (Washington, Government Printing Office, 1866), Part III, 297-298. Hereafter cited as *U. S. Foreign Relations*.

13. *U. S. Foreign Relations*, loc. cit.

14. Article I. See W. M. Malloy, *Treaties, Conventions, International Acts*,

All rights, privileges, and immunities, which have been conferred on the citizens or vessels of the United States of America by the treaty already existing between the United States of America and the Ottoman Empire, are confirmed, now and forever, with the exception of those clauses of the said treaty which it is the object of the present treaty to modify; and it is moreover expressly stipulated that all rights, privileges, or immunities, which the Sublime Porte now grants, or may hereafter grant to, or suffer to be enjoyed by the subjects, ships, commerce, or navigation of any other foreign power, shall be equally granted to and exercised and enjoyed by the citizens, vessels, commerce, and navigation of the United States of America.

The United States formally thanked Sultan Abdul Aziz, and on June 24, 1862, Secretary of State William H. Seward declared that it would be "to the honor of the Sultan of Turkey that he took the lead in conceding to the United States rights which, it is now expected, will soon be conceded by all the other maritime powers".

The Basic American Position, 1866-1872

Following the American Civil War, on January 22, 1866, Mr. Morris advised Secretary of State Seward that he had joined his colleagues in a note to the Porte requesting permission for sailing vessels to pass through the Bosphorus and Dardanelles during the night. Similarly, on February 28, 1866, he advised the Department of State that, although American commerce therein was "inconsiderable", he had joined in a note to the Sublime Porte about the position of commerce in the Black Sea. In order to obtain protection for lives and property "on this tempestuous sea". Since this was a limited approach to the problem, Mr. Seward gave his approval¹⁵.

Later in the year, on September 7, 1866, the *U.S.S. Ticonderoga*, under the command of Commodore Steedman, arrived at Constantinople for an eleven-day visit¹⁶. Commodore Steedman was presented to the Sultan on September 17, and found Abdul Aziz pleased with the victory of the Union in the Civil War. He indicated that American goodwill would be reciprocated in the Ottoman Empire. Commodore Steedman was received by the Grand Vizier, presented to the diplomatic corps, and dined with

Protocols and Agreements between the United States of America and Other Powers, 1776 - 1909 (Washington, United States Government Printing Office, 1910), II, 1321 - 1328.

15. *U. S. Foreign Relations*, 1866, II, 236 - 237, 239 - 240.

16. *Ibid.*, 252.

the British and Russian Ambassadors. Mr. Morris duly noted that there had been no untoward incidents during the visit and that the *Ticonderoga* was

the second U. S. man-of-war which has been admitted to Constantinople since the formation of treaties excluding war vessels above the size of naval despatch boats from the Dardanelles and the Bosphorus. The moral and political effects of the visit cannot fail to be of the most salutary character; and it is the more remarkable as no vessel of her dimensions belonging to any European power is admitted to pass through the Straits to Constantinople.

But the American Minister was also concerned with other aspects of the problem of Constantinople and the Straits, and especially with Russian pretensions which looked toward the control of that strategic position, in one way or another. Commenting, on February 28, 1868, on the developments in the Danubian Principalities of Moldavia and Wallachia, which looked ultimately toward the establishment of an independent and unified state of Rumania, he wrote that "the absorption of the principalities by Russia would put that power in possession of all the available routes of access to Constantinople" and "render it almost impossible to defend the capital with any prospect of success"¹⁷. Later, on November 2, 1866, Mr. Morris advised the Department of State of the recognition of Prince Karl von Hohenzollern-Sigmaringen as Hospodar of the Danubian Principalities and of the fact that the project for union did not please St. Petersburg. That would¹⁸

throw serious obstacles in the way of Russian progress to Constantinople, and it is therefore questionable if Rumania will enjoy, even under Prince Hohenzollern, the tranquillity and repose necessary to its development into an independent national existence.

On the other hand, Cassius Marcellus Clay, the American Minister to St. Petersburg¹⁹, who did not doubt that some persons in high place in the Russian capital desired "the possession of Constantinople and the Straits", felt that the "ruling minds" looked upon the project, not as something to be fought for, "or bought at a great price of money or blood". It was acceptable, however, "if good fortune should throw it into their power". Russia did not desire war, but it would not permit "any great power to take Constantinople without a great war". On the

17. *U. S. Foreign Relations*, II, 1866, 237 - 238.

18. *Ibid.*, 254 - 255.

19. For Clay, in general see Jay Monaghan, *Diplomat in Carpet Slippers* (Indianapolis, Bobbs Merrill, 1945), *passim*.

other hand, Russia might carry on a war for the protection of the Balkan Slavs and the Greeks, and, if a Greek Empire should be established on the Hellespont and the Black Sea, Russia, in Clay's view, would hope "to find in it a permanent and grateful ally, and not a jealous enemy". Indeed, that might prove to be "the ultimate and peaceable solution of the Eastern problem". In sum, Russian policy seemed to call for²⁰:

First the gradual autonomy of the Slav and Greek provinces, till the Turkish rule ceases; and then the Straits in the hands of a petty power, protected by all the great rivals, or ultimately a respectable Greek empire or kingdom, absorbing all the Greek and Slav subjects now belonging to Turkey....

Congressional Principles on Freedom of Navigation in the Straits

No doubt the action of the United States House of Representatives with respect to passage of the Straits reflected something of a general interest in the problem, based largely on the rather vague principles of the freedom of the seas. On Monday, July 6, 1868, Representative William D. Kelley, of Pennsylvania, by unanimous consent, submitted the following resolution, which was read, considered, and approved, evidently without any basic discussion, if any at all, of the issues and treaties involved, if the record of the Congressional proceedings reflects accurately the deliberations²¹:

Resolved, that the President be requested to instruct the Minister of the United States to the Sublime Porte to urge upon the Government of the Sultan the abolition of all restrictions through the Straits of the Dardanelles and Bosphorus to the Black Sea, and to endeavor to procure the perfect freedom of navigation through those Straits to all classes of vessels.

Beyond instructing the Minister to obtain such information as he could with regard to the various restrictions or obstructions to which commercial vessels were subjected, however, no action appears to have been taken under this Congressional resolution²². Secretary of State Seward sent an instruction to Mr. Morris, at Constantinople, on July 11, 1868, and a similar one was addressed to Mr. Clay in St. Petersburg, who, however,

20. *U. S. Foreign Relations*, 1867, I, 384 - 385. Mr. Clay's despatch of March 20, 1867.

21. *Congressional Globe*, Vol. 74, Pt. 4, 40th Congress, 2nd Session (1867 - 1868), 3764 - 3765.

22. Moore, I, 664 ff.

failed to obtain the requisite information. On October 5, nevertheless, Mr. Stoeckl, the Russian Minister in Washington, was informed by Secretary of State Seward that it was "uncertain" whether President Johnson would take any action under the resolution. At the same time, the Russian Minister was advised that, in principle, the United States favored the "largest freedom of navigation and commerce compatible with the rights of individual nations", and, therefore, could be expected to "favor the removal of the restrictions upon the navigation of the Bosphorus and Dardanelles within the limits of international law"²³.

The Visit of Admiral Farragut to Constantinople, August 1858

Meanwhile, the visit of Admiral David Glasgow Farragut to Constantinople on the *U.S.S. Frolic*, which Mr. Morris reported on August 24, 1858, served to test the principles governing the passage of foreign warships through the Straits²⁴. Since the *Frolic* was well within the tonnage limitations allowed to enter the Dardanelles according to the Treaty of Paris (1856), the application for a firman was promptly granted. Some days later, however, Admiral Farragut's flagship, the *U.S.S. Franklin*, on which he was making a round-the-world trip, was reported at the entrance to the Dardanelles awaiting the Admiral's orders on his departure from Constantinople. Since Mr. Morris thought so distinguished an officer of the United States Navy should have exceptional honors, he conferred with the Grand Vizier, Ali Pasha, and the Foreign Minister, Fuad Pasha, with regard to a firman to suspend the rules of the Treaty of Paris, "by which vessels of war of the dimensions of the *Franklin*" were excluded from the Straits. Informed, at first, that such exceptions "were only made in favor of princes of the blood", Morris promptly replied that under such a rule, the United States, a democratic country with no royalty, "would not enjoy the same privileges as the aristocratic states of Europe, and that this provision of the treaty was partial in its application, and to the derogation of our dignity". Advised to make formal application, he did so, and was "pleased to know that His Majesty the Sultan desired the entrance of the *Franklin*". On August 18, Mr. Morris made application and, two days later, on August 20, he received the reply of the Sublime Porte, which stated²⁵:

23. *Loc. cit.*

24. *U. S. Foreign Relations*, 1868, II, 114 - 115.

25. *Ibid.*, 116. See also Charles Lee Lewis, *David Glasgow Farragut: Our First Admiral* (Annapolis, United States Naval Institute, 1943), 359 - 365.

As you have been pleased to recognize in the said note, the existing treaties have established the principle of the closing of the Straits. Although the dimensions of the vessel in question exceed the limits expressly fixed by the treaty of Paris, His Majesty the Sultan, my august sovereign, desirous nevertheless of giving proof of his deferential regard for a distinguished personage of the great American republic, has been pleased for this purpose, and in a manner altogether exceptional, to grant the permission asked for the passage of the frigate *Franklin*.

Fuad Pasha begged Mr. Morris to take "note of the exceptional character of the granted authorization". At about the same time, August 19, the Porte sent a circular note to the signatories of the Treaty of Paris represented at Constantinople, stating ²⁶ :

The flag-ship of Admiral Farragut having arrived at the Dardanelles, the United States Legation, admitting the principle of the closing of the Straits as established by the treaties, has expressed to us the desire that the said vessel should be permitted to pass through the Straits to Constantinople. The dimensions of the naval vessel in question are, it is true, beyond the limitations stipulated in the Treaty of Paris; but his Imperial Majesty the Sultan, wishing to testify his regard for the great American republic, and to see this magnificent frigate, has for this purpose, and in a manner altogether exceptional, granted the requested permission. I have deemed it my duty to bring this fact to the knowledge of the representatives of the powers parties to the above treaty and I beg them to take notice of the exceptional character of the granted authorization, which, I have no doubt they will find sufficiently justified.

On August 23, Mr. Morris advised Fuad Pasha of his pleasure that the exception had been made and a firman for passage granted.

The American Minister felt that, indeed, Admiral Farragut was treated with "rare courtesy" and "in a manner altogether exceptional". The Admiral was presented to the Sultan, was given a dinner by the Grand Vizier, Ali Pasha, and the British and Russian Ambassadors gave dinners in his honor, the French Ambassador being ill. All told, Mr. Morris believed that the visit of Admiral Farragut to Constantinople, accompanied as it had been by the arrival of his flagship, would "prove a most auspicious one in every respect". One interesting and incidental byproduct of the visit was that Admiral Farragut was instrumental in obtaining an imperial charter for Robert College ²⁷. Farragut entertained the Grand Vizier and

26. *U. S. Foreign Relations*, 1868, II, 118.

27. For this episode see George Washburn, *Fifty Years in Constantinople*

the Minister of Foreign Affairs, together with the diplomatic corps, on his flagship on August 26, although the Sultan was unable to attend, and the Ottoman authorities extended "every civility". He sailed on August 29 for the Piraeus with the *Franklin* and the *Frolic*²⁸.

But the visit did raise problems, and some weeks after Farragut's departure, namely on September 28, 1868, Savfet Pasha circularized the representatives of the powers, including the United States Minister, on the prohibition of the passage of the Dardanelles and the Bosphorus by foreign warships, recalling the ancient rule of closure and the conventions of 1841 and 1856. Among other things, the note stated²⁹ :

This principle has always been maintained; and if on rare and exceptional occasions it has been permitted to some vessels of war to pass the straits, it was always in virtue of a special authorization accorded out of deference to the distinguished personages on board of them.

The Sublime Porte, however, recognizes that a relaxation in the strict application of the aforesaid principle with respect to vessels of war, apart from the exceptions provided by articles 2 and 3 of the convention of March 30, 1856, would not be compatible with the declaration contained in the aforesaid treaty of Paris.

It has, therefore, been decided that, henceforward, there will positively be no exception but for vessels of war which have on board a sovereign or the chief of an independent state.

The preceding decision having been sanctioned by his Imperial Majesty the Sultan, I have the honor to beg you to report it to the Government of the United States for its information.

Mr. Morris did so on October 2, 1868, and he sent the various exchanges concerning the problem to the Department of State in a despatch of October 29, 1868³⁰.

The Basic Principles of American Policy, 1871 - 1872

An intense era in the development of the "Eastern Question" opened in the 1870's and the question of the Straits played a prominent role at the time. It was altogether fitting that the United States, which seemed so remote from the problem, should be somewhat interested. During the

(Boston, Houghton Mifflin, 1909), 12 - 13; Lewis, 362 - 363; Cyrus Hamlin, *Among the Turks* (New York, Robert Carter, 1878), *passim*.

28. *U. S. Foreign Relations*, 1868, II, 116.

29. *Ibid.*, 117; F. de Martens, *Nouveau Recueil*, Vol. 64, pp. 268 - 269.

30. *U. S. Foreign Relations*, 1868, II, 117.

Franco - Prussian war of 1870 - 1871, namely on October 31, 1870, the Russian Government repudiated the restrictive clauses as to naval armament in the Black Sea, which had been "demilitarized", if not "neutralized", in the Treaty of 1856. While Bismarck's Germany supported St. Petersburg and France was unable to act, Great Britain and Austria - Hungary strongly protested the Russian move. On December 6, 1870³¹, Mr. Wayne Mac Veagh, the American Minister to the Sublime Porte, indicated that a conference on the "Eastern Question" had been proposed, and that "the peaceable solution of the difficulty" was regarded as certain. Some weeks later, on December 31, Mr. MacVeagh wrote of "the unsettled state of the public mind" in Constantinople, referred to various problems, and stated that he hoped to send a despatch "of some interest by the next mail on the subject of the Straits of the Dardanelles and the Bosphorus", since he had heard a rumor that "the approaching conference" would "consider the question of their use by foreign powers". He added that "their importance is increasing day by day, and the time cannot be very far distant when an authoritative determination of their status will be required alike in the interest of commerce and of peace"³².

A few days later, on January 5, 1871, in response to a despatch of December 8, Secretary of State Hamilton Fish advised MacVeagh concerning an "absurd newspaper report of a letter from President Grant to the Emperor of Russia congratulating the latter upon his denunciation of the clause of the treaty of Paris which restricts freedom of navigation in the Black Sea". He noted³³:

The occasions are rare which are conceived to warrant or require a deviation on the part of the President from the rule which limits his communications to foreign sovereigns to mere letters of ceremony. The occasion adverted to was not deemed sufficient to call for any such communication. It is true that the United States, not having been a party to the treaty of Paris, may have more or less reason to complain of any curtailment of their rights under the law of

31. *U. S. Foreign Relations*, 1871, p. 887.

32. *Ibid.*, 888 - 889.

33. *Ibid.*, 890. In view of its general position relative to freedom of passage through the Straits, the United States was somewhat sympathetic to the Russian move, but it did not offer an offensive and defensive alliance to Russia, as Goriainov suggests, if the latter would support the United States in the *Alabama* claims problem, and inconceivable that it was ready to force the issue by sending an American fleet through the Dardanelles. See Goriainov, 193; Philipson and Buxton, 111 - 112; James T. Shotwell and Francis Deak, *Turkey at the Straits: A Short History* (New York, Macmillan, 1940), 51 - 52.

nations which it may have effected. No formal complaint on the subject, however, has as yet been addressed to either of the parties to that instrument, though the restriction which it imposes on the right of our men-of-war to the passage of the Dardanelles and the Bosphorus is under serious consideration.

True to his word, on January 24, 1871, Mr. MacVeagh sent the Department of State a long despatch analyzing the development of the treaty position relative to the regime of the Straits³⁴, since the Conference of London was then considering the problem with the Russians. Mr. MacVeagh, among other matters, commented on the politico-strategic situation of the Straits :

On the west the narrow Straits of the Dardanelles connect the Sea of Marmora with the Greek Archipelago; on the east the narrow Straits of the Bosphorus connect the Sea of Marmora with the Black Sea. From the beginning of the one strait to the end of the other the shores on both sides belong exclusively to the Ottoman Empire; and its capital and chief city is at the meeting of the waters of the Straits of the Bosphorus and of the Sea of Marmora. This site is asserted to be practically incapable of defense against an attack by a naval force, except at the two entrances. . . , and it is also asserted that the absolute necessity of fortifying and defending these entrances, as the only means of securing the safety of Constantinople from attacks by sea, was recognized centuries before the conquest of the country by Ottoman Sultans, and that the same necessity has been constantly asserted and maintained ever since. In this view all the waters connecting the Greek Archipelago with the Black Sea are *mare clausum*, and are navigable by the consent of and under the restrictions imposed by the Government of the Ottoman Empire.

The Minister also noted that, both as to commercial passage and that of warships, the Ottoman Government alleged "that its policy has been uniform and as liberal as a proper regard for its own safety would allow; and that its conduct in the exercise of its undoubted rights of control over these connecting waters has often received, as it has always deserved, the recognition and approval of all friendly powers". Mr MacVeagh then reviewed the treaties governing passage of the Straits, going back to 1535, but laying special stress on the treaties of Küçük Kaynarca (1774), Adria-

34. *U. S. Foreign Relations*, 1871, pp. 892 - 896. For interesting excerpts from the protocols of the Conference of 1871 see Great Britain, Foreign Office, Turkey No. 16 (1878). *Treaties and Other Documents Relating to the Black Sea, the Dardanelles, and the Bosphorus: 1535 - 1877* (Translations). Cmd. 1935, pp. 54 - 57, 57 - 59. 61 - 67.

nople (1829), and Hünkâr Iskelesi (1833). He added that the Ottoman-American treaty of May 7, 1830

was concluded with the Porte, securing to us all the privileges of the most favored nations, and providing that "the merchant vessels of the United States shall have liberty to pass the canal of the imperial residence, the Bosphorus, and go and come in the Black Sea". Our treaty of commerce—1862—contains upon this subject only the clause usually inserted in commercial treaties concluded in recent years with the Porte. "The firmans required for merchant vessels of the United States on passing through the Dardanelles and the Bosphorus shall always be delivered in such manner as to occasion to such vessels the least possible delay". It will thus be seen that the fullest liberty exists for the navigation of all these connecting waters by the merchant vessels of all nations.

Mr. MacVeagh felt, however, that the regulations were antiquated "as unnecessarily vexatious", particularly in view of the sanitary inspections which were required, and the delays occasioned thereby. He thought that, while there was no serious objection to the rights claimed by the Porte, "the mode of asserting and exacting them" was "objectionable". But a contrary situation existed with regard to the passage of warships, in view of the "ancient rule of the Ottoman Empire" against free passage, sanctioned by the Anglo-Ottoman treaty of 1809, and in the secret clause of the Treaty of Hünkâr Iskelesi, as well as in the Treaty of 1840. Mr. MacVeagh also referred to a circular delivered by the Porte on March 5, 1842³⁵, requesting the Powers to observe the "ancient rule" which had been confirmed in 1850 and 1851:

... This circular was transmitted to Washington by Commodore Porter, then occupying this mission, April 16, 1842. It only remains to add that the Convention of the Dardanelles was reenacted in terms, and annexed to the Treaty of Paris of 1856, and that an exception has always existed to the "ancient rule" in question in favor of armed vessels of moderate size visiting the Porte, by special permission, on missions of friendship, or attached to the service of the foreign legations at Constantinople. It will be seen, therefore, that the closing of these straits to ships of war has never been rested upon the agreement of the powers recognizing it, but always upon the undoubted rights of the Ottoman Empire; and while six great powers at Paris in 1856 recognized this usage it is not known that any power at any time has ever questioned either its propriety or its validity.

35. For text see *Cmd. 1935* (1878), p. 22.

In the end, the London Conference, on March 13, 1871³⁶, accepted the Russian position concerning remilitarization of the Black Sea, although it declared against breaches of such international agreements. Among other things, the new convention, signed by Austria-Hungary, France, Germany (Prussia), Great Britain, Italy, Russia, and the Ottoman Empire, not only abrogated the restrictive Black Sea clauses, but stipulated:

Article II. The principle of the closing of the Straits of the Dardanelles and the Bosphorus, such as it has been established by the separate Convention of March 30, 1856, is maintained, with power to His Imperial Majesty the Sultan to open the said Straits in time of peace to the vessels of war of friendly and allied powers, in case the Sublime Porte should judge it necessary in order to secure the execution of the stipulation of the Treaty of Paris of March 30, 1856.

Article III. The Black Sea remains open, as heretofore, to the mercantile marine of all nations.

In view of the despatch of Mr. Fish, dated January 5, 1871, Mr. Mac Veagh, on March 27, sent another long communication concerning the problem³⁷, pointing out that the "ancient rule of the exclusion of ships of war" was maintained "except when the Porte deems it necessary to open them to allied and friendly fleets to secure the objects of the treaty of Paris of 1856; in other words, to resist the attack of an enemy". It might, therefore, "become important at any moment" for the Department of State to consider the question of "the denial of the passage of these straits to our ships of war", as the Secretary of State had hinted. While the Sublime Porte's position according to MacVeagh, in this respect did not rest on treaties, it did rest solely

upon the immemorial usage of this empire; a usage explicitly recognized by the authoritative treatise of our own Wheaton, sanctioned by the recognition and respect of all nations at peace with the Porte since the possession of Constantinople by the Ottoman Sultans, and whose validity and propriety are not known to have been ever seriously questioned.

But the mode of exercising this right had, from time to time, been the subject of treaties and agreements, as noted above. Moreover,

if, therefore, the Porte has the right of closing these straits to vessels of war, the mode of the exercise of that right would seem to

36. Hertslet, III, 1920 - 1921.

37. *U. S. Foreign Relations*, 1871, pp. 897 - 900.

be wholly unobjectionable at the present time, for, unlike the Russian treaty of 1833, the present operates upon all nations with perfect equality. The recognition of this right of the Porte by the Government of the United States has been frequent and uniform.

Mr. MacVeagh then gave a brief history, down to 1871, of the passage, or the attempted passage, of American warships through the Straits, indicating that "during the forty years of friendly intercourse" hardly a year had passed without an application for the passage of a warship of the United States, in virtue of the exception to which he had alluded. He noted the pleasure expressed by the United States in 1868 on the occasion of the visit of Admiral Farragut's flagship, the *U.S.S. Franklin*. But the minister went on to state³⁸:

The passage of our vessels of war has uniformly been requested in writing, and either as within the exception to the rule, or as an act of special courtesy in suspension of it. In the latter case, it has uniformly been followed by the thanks of our Government for the favor.... We began our intercourse with Turkey by a treaty which secured for our vessels of commerce the right of passing these straits; and thus excluding the idea that we possessed the same right for our ships of war. In the long interval we have uniformly recognized, in all the modes known to diplomatic intercourse, the continued existence of the distinction.

But American practice and policy, thus far, had been consonant with that of other Powers, and it was felt that any deviation therefrom "would certainly require very grave reasons for its justification", although the United States was not following the general policies of the European Powers and was not bound to do so in this respect. Mr. MacVeagh indicated that he had taken every opportunity to assert a sincere American friendship for the Ottoman Empire, that the United States was a partisan of "no power, whether friendly or hostile" to the Ottoman Empire, and that it "remembered with gratitude the unswerving fidelity of the Porte during our great struggle". At the same time, however, he stated frankly that,

in the interest of our general policy we would rejoice at the opening of these waters to the unrestricted navigation of the globe, and that we would continue to cherish the hope that it would before

38. Mr. MacVeagh noted, of course, that "in time of peace no war vessel of any nation is allowed to enter these connecting waters. On the east the fortresses of the Bosphorus, and on the west the fortresses of the Dardanelles, prohibit and deny such entrances to the war flag of any nation, however friendly to the Sublime Porte".

long appear to the government of the Sultan to be compatible in every way with its interest and its safety to abandon in this respect the ancient usages of the empire. In the meantime, however, I have added, it would be grossly unjust to the United States, to imagine for a moment that it would suffer itself to be used as the agent or ally of any other subject.

Secretary of State Fish replied to this despatch on May 5, 1871, in a communication which laid down the basic policy of the United States which, granted the changes of time and circumstance, was to be followed, essentially, and in principle, until the Lausanne Convention of July 24, 1923. Among other things, he wrote³⁹:

This Government is not disposed to prematurely raise any question to disturb the existing control which Turkey claims over the Straits leading into the Euxine. It has observed the acquiescence of other Powers whose greater propinquity would suggest more intimate interests in the usage of other powers from the passage of those straits.

But while this Government does not deny the existence of the usage, and has had no occasion to question the propriety of its observance, *the President deems it important to avoid recognizing it as a right under the law of nations.*

The position of Turkey with reference to the Euxine may be compared to that of Denmark with reference to the Baltic, with the difference that the former is sovereign over the soil on both sides of the straits, while Sweden owns the territory on the east of the sound leading to the Baltic...

We are not aware that Denmark claimed the right to exclude foreign vessels of war from the Baltic merely because in proceeding thither they must necessarily pass within cannon-shot of her shores. If this right has been claimed by Turkey in respect of the Black Sea, it must have originated at a time when she was positively and comparatively in much more advantageous position to enforce it than she now is. The Black Sea, like the Baltic, is a vast expanse of waters, which wash the shores not alone of Turkish territory, but those of another great power who may, in time of peace, at least, expect visits from men-of-war of friendly states. It seems unfair that any such claim as that of Turkey should be set up as a bar to such an intercourse, or that the privileged should in any way be subject to her sufferance.

There is no practical question making it necessary at present to discuss the subject, but should occasion arise when you are called upon to refer to it, *you will bear in mind the distinction*

39. *Ibid.*, 902 - 903; Moore, I, 666 - 667. For the Danish Sound, see especially Bruel, II, Part I. Italics added.

taken above, and be cautious to go no further than to recognize the exclusion of the vessels as a usage.

In other words, the United States was prepared to accept the usage, but it did not recognize the usage as a principle of international law restricting passage, even of warships, through the Turkish Straits, and had no intention of doing so ⁴⁰. Further statements of the American view as to freedom of passage were occasioned when the *U. S. S. Congress*, under Captain Rhind, and the *U. S. S. Shenandoah*, sought passage in November and December 1872. Thus, in a despatch of November 30, the American Minister to the Sublime Porte, Mr. George H. Boker, raised a question concerning the request of Captain Rhind for the *Congress* to pass the Straits. Secretary Fish wrote to Mr. Boker on January 3, 1873 that Captain Rhind's application for a firman had been unauthorized, that he had been unaware of the obstacles and precedents, and more particularly of Fuad Pasha's circular to the powers on August 19, 1868, during the visit of Admiral Farragut to Constantinople. But, among other things, Mr. Fish noted :

The abstract right of the Turkish Government to obstruct the navigation of the Dardanelles even to vessels of war in time of peace, is a serious question. The right, however, has for a long time been claimed and has been sanctioned by treaties between Turkey and certain European states. A proper occasion may arise for us to dispute the applicability of the claim to United States men-of-war. Meanwhile, it is deemed expedient to acquiesce in the exclusion ⁴¹.

In connection with the unauthorized and subsequently countermanded request of the captain of the *Shenandoah* for permission to pass through the Dardanelles, Mr. Fish wrote to Mr. Boker ⁴² :

The United States are not a party to the convention which professed to exclude vessels of war from the Dardanelles; and while it is disposed to respect the traditional sensibility of the Porte as to that passage, the shot which it is supposed may have been in-

40. See also the despatch of Mr. John P. Brown to Secretary of State Fish, on November 24, 1871, in which he reported concerning the new facilities granted by the Sublime Porte to merchant ships passing through the Straits, which were considered very satisfactory. *U. S. Foreign Relations*, 1872, pp. 667-668, 669.

41. Moore, I, 667-668; Bruel, II, 307.

42. Moore, *loc. cit.* According to an article in *The Levant Herald*, accompanying Mr. Boker's despatch of December 17, 1872, a shot was fired at a French steamer, under somewhat uncertain circumstances.

tended for a national vessel of this Government might if it had been directed to the supposed intention have precipitated a discussion if not a serious complication.

Although the United States was "disposed to respect" the position of the Sublime Porte, that was not to be taken as implying any direct recognition of the "ancient rule" of the Ottoman Empire on the part of the United States.

Persistence in the American Policy

No serious question appears to have arisen with respect to the passage of the Straits, insofar as the United States was concerned, between 1873 and the latter part of 1895, although there were important developments affecting the Ottoman Empire. The Balkan revolt against the Ottoman Empire in 1875, for example, led ultimately to the Russo-Turkish war in 1877-1878, with all the consequences which these events entailed. Victorious Russia dictated the peace of San Stefano, of March 3, 1878, Article XXIV of which stipulated⁴³:

The Bosphorus and the Dardanelles shall remain open in time of war, as in time of peace, to the merchant vessels of neutral states arriving from or bound to Russian ports. The Sublime Porte consequently engages never henceforth to establish at the ports of the Black Sea and the Sea of Azov a fictitious blockade at variance with the spirit of the Declaration signed at Paris, April 4/16, 1856.

Pressure was brought to bear against Russia, however, primarily by Great Britain and Austria-Hungary, with the result that the Treaty of Berlin, July 13, 1878, "revised" the work of San Stefano. So far as the Straits were concerned, according to Article LXIII, the provisions of the Treaty of Paris, March 30, 1856, and the Treaty of London, March 13, 1871, were maintained⁴⁴. Nevertheless, on July 11, the British representative declared that the obligations of the British Government did "not

43. Hertslet, IV, 2674 - 2694. It may be noted in passing, as well, that the Suez Canal was opened in 1869 and that in 1875, Great Britain purchased the Khedive's shares of the stock in the Suez Canal Company. The Constantinople Convention of October 29, 1888, which came to regulate passage of the Canal, served as a model for the regulations established later for the Panama Canal, except in time of war, and also had some influence in connection with the Turkish Straits. See especially Norman J. Padelford, *The Panama Canal in Peace and War* (New York, Macmillan, 1942), 34 - 35, 37; Hurewitz, I, 202 - 204; B. Boutros - Ghali et Youssef Chlala, *Le Canal de Suez, 1854 - 1957 : Chronologie, Documents* (Alexandria, Egypt, Société Egyptienne de Droit International, 1958), *passim*.

44. Hertslet, IV, 2727 - 2728.

go further than an engagement with the Sultan to respect in this matter His Majesty's independent determinations in conformity with the spirit of existing treaties". Count Shuvalov, the Russian Representative, on the other hand, contended that the principle "of the closing of the Straits" was "an European principle" and that, therefore, the stipulations of 1841, 1856 and 1871, confirmed at Berlin, were "binding on the part of the Powers, in accordance with the spirit and letter of the existing treaties not only as regards the Sultan but also as regards all the Powers signatory to these transactions".

American Warships

Between 1878 and 1914, of course, the situation in the Balkans changed quite radically, with Serbia and Rumania becoming independent, while Bulgaria declared its independence in 1908, during the Bosnian crisis. Imperial Russia supported the small Slavic states in their attempts to supersede the Ottoman Empire in Europe, for its own secular reasons, and the Young Turk Revolution in 1908 was unable to stem the rising tide of Balkan nationalism⁴⁵. The Italo-Turkish war, 1911-1912, and the Balkan Wars which followed, 1912-1913, threatened the very existence of the Ottoman Empire.

In view of the Armenian disorders, American missionaries in the Ottoman Empire, and other American citizens as well, were apprehensive of danger, and there were appeals for protection. The American Minister in Constantinople, Mr. A. W. Terrell, had been much concerned with the problem, had taken it up with the Sublime Porte, and had advised the Department of State on March 13, 1895 as to the desirability of having a United States warship in Ottoman waters. The Minister was informed on April 4 that the Navy Department had been approached with respect to having the *U. S. S. Marblehead*, of 2,000 tons, then at Gibraltar, visit Smyrna, Adana, Alexandretta, and Beirut to ascertain what foundations there were for "the alarming apprehensions expressed in that quarter". At the same time, Rear Admiral W. A. Kirkland, Commander of the European station, was ordered to proceed immediately with the *U. S. S. San Francisco* from Palermo, Italy, to Smyrna and to direct vessels under his command to touch at Alexandretta and Adana⁴⁶. Both the Ottoman Minister in Washington, Mavroyeni Bey, and the Sublime Porte were apprehensive as

45. E. E. Ramsaur, Jr., *The Young Turks: Prelude to the Revolution of 1908* (Princeton, 1957).

46. *U. S. Foreign Relations*, 1895, pp. 1242-1243.

to the meaning of these developments, but were assured that the visits were "without any unfriendly purpose", but that their presence at the ports of "the Syrian, Aleppan and Adanan coasts" would afford an opportunity "to learn whether there is just ground for the apprehensions of insecurity of life and property which our citizens in that region have expressed"⁴⁷. While the *Marblehead* and the *San Francisco* left Turkish waters at the end of April 1895, they were back in the autumn, since the difficulties had not abated, and remained substantially until the end of the year. Richard Olney, President Cleveland's Secretary of State, was glad to have assurances from Mavroyeni Bey as to American lives, and on October 15, he advised the Ottoman Minister⁴⁸:

The visit of the *Marblehead* to Turkish waters at this juncture is in pursuance of a long-established usage of this Government to send its vessels, in its discretion, to the ports of any country which may for the time being suffer perturbation of public order and where its countrymen are known to possess interests. This course is very general with all other Governments, and the circumstances that a transient occasion for such visits may exist does not detract from their essentially friendly character.

Rear Admiral Thomas O. Selfridge, who was to relieve Admiral Kirkland, appears no sooner to have arrived at Marseilles to assume command of the European station when, on November 15, 1895, he wrote a letter to Mr. Terrell in Constantinople requesting that, since it was "very desirable" that he confer with the Minister concerning the disturbances in the Ottoman Empire, he "procure a firman from the Porte for me to visit Constantinople in the *Marblehead*, the smallest vessel of our squadron"⁴⁹. Mr. Terrell replied on November 20, stating that he had applied for the permission to visit Constantinople and noting that there was "a feeling here of much apprehension, and the news from the interior of Asia is fearful". He added⁵⁰:

The cooperative action of European Powers, if agreed on, is not known here. If there should be an effort by their boats to rush the Dardanelles and reach this city, the interval between the effort and the arrival of the fleet here would be one of much danger to resident Christians. Other Governments have dispatch boats on which their people could take refuge. Ours has none.

47. *Ibid.*, 1242.

48. *Ibid.*, 1324.

49. *Ibid.*, 1383.

50. *Loc. cit.*

The next day, November 21, Mr. Terrell cabled the Department of State that Admiral Selfridge's request concerning "permission for him to pass the Dardanelles with the *Marblehead*" had been declined by the Sultan, who "feared that other powers would seek to follow the example, and especially requests that Admiral Selfridge should not come to the Dardanelles"⁵¹. Accordingly, Mr. Terrell had cabled Admiral Selfridge at Smyrna and had requested him to keep the Legation "informed from time to time of his place of anchorage in the eastern Mediterranean". He added that he was not informed of Admiral Selfridge's instructions, but hoped that he had been instructed to inform the Turkish "functionaries with whom he may have official intercourse that his naval force" would not be "used to protect revolutionists bearing American passports in entering Turkey from Cyprus". Evidently the Secretary of State was also somewhat puzzled as to the application for a firman, for Mr. Olney inquired of the Legation at Constantinople on December 5: "What application did you make in respect of *Marblehead*? Why? To whom?... Had you any reason to think other treaty powers would consent? Explain fully"⁵². Mr. Terrell cabled on December 6 that he had made the application at the Admiral's request, that he knew "nothing of his instructions", but "supposed he was authorized", and noted that "our war vessels have come here since the treaty which closed Dardanelles. I had reason to believe that the *Marblehead's* coming would not be objected by the treaty Powers". At the same time, Mr. Terrell, to be more explicit, no doubt, wrote a brief despatch to the Department of State making a complete explanation, stating that the Sultan had very politely "declined to grant permission for the *Marblehead* to visit Constantinople for the alleged reason that similar applications would then be made by the representatives of other Powers, which he could not possibly grant". He added that he "had not been favored with any knowledge of the instructions to the Admiral", and presumed, naturally, that he was authorized to request "permission to come here with his boat"⁵³.

Somewhat later, Mr. Terrell had asked the Ottoman Government for permission for the *U. S. S. Baneroft* to pass the Straits, since it had been authorized to remain at the disposal of the United States Legation at Constantinople. On January 16, 1896, however, Mavroyeni Bey, the

51. *Ibid.*, 1344.

52. *Ibid.*, 1380.

53. *Ibid.*, 1383.

Ottoman Minister in Washington, informed the Department of State that the Sublime Porte would not comply with this request. He stated⁵⁴ :

Your Excellency knows perfectly well the earnest and sincere desire of the Imperial Government to do all in its power to strengthen if possible the ties of friendship which unite the two countries, but in this case a certain fact is involved, to wit, that only the signatory powers of the treaty of Paris enjoy the right to have vessels of war permanently at Constantinople at the orders of their respective embassies. Now, the United States Government does not appear in the number of the signatories of that treaty. I am, consequently, sure that your Excellency will be pleased to take the foregoing into consideration.

Meanwhile, the United States vessels remained in Ottoman waters during the disturbances, and on November 27, 1895, the *Minneapolis* was ordered to Smyrna, and was soon expected to meet the *Marblehead*, which was then at Mersin, and the *San Francisco*, then near *Latakia*⁵⁵.

Towards World War I

There were no further incidents of major significance in the development of United States policy toward the problem of the Turkish Straits in the period between 1896 and 1914, when World War I broke out, although it was an era of grave importance for all the peoples of the Eastern Mediterranean and the world at large. By the end of the Nineteenth Century the German Empire had become a powerful factor in the Near East, with increasing influence in Constantinople, both economically and politically. At the same time, Great Britain, hitherto a staunch defender of Ottoman integrity, began to think in terms of the division of the Sultan's empire into spheres of influence and interest, and by 1914, Great Britain, France and Germany were ready to strike bargains. Moreover, in view of the German menace, as early as 1903 the British Government was reaching the conclusion that "the exclusion of Russia from the Straits was not for Great Britain a primary naval or military interest"⁵⁶. There were difficulties as to the passage of Russian warships during the Russo-

54. *Ibid.*, 1481.

55. *Ibid.*, 1355 - 1356, 1404.

56. See the decision of the Committee on Imperial Defence Regarding the Straits, February 11, 1903; Memorandum by Sir Charles Hardinge. Memorandum respecting the passage of Russian warships through the Dardanelles. Foreign Office, November 16, 1906. Great Britain, Foreign Office, *Documents on the Origins of the War, 1898 - 1914*, IV, 59 - 60.

Japanese War in 1904-1905, and the Russian Government sought to attain passage of the Straits for Russian warships in 1908-1909, while excluding nonriverain warships from the Black Sea. While the British Government agreed "in principle" to the passage of Russian warships, it insisted on a reciprocal arrangement and no agreement was reached. During the Italo-Turkish War, thanks to an Italian bombardment, the Straits were closed between April 18 and May 18, 1912.

But the United States was not seriously involved in these developments, or did not so consider itself. On September 28, 1908, however, Acting Secretary of State Robert L. Bacon informed the United States Ambassador, Mr. J. G. A. Leishman, that the *U.S.S. Scorpion*, a schooner and converted yacht, of 850 tons displacement, and 200 feet in length, with light saluting artillery, had been detailed for early despatch to Constantinople as a *stationnaire*. A request for permission to pass the Straits was to be made, with the understanding that the *Scorpion* was to be stationed at Constantinople. But, in the absence of informal prior intimation of Ottoman approval, the Department of State was hesitant to make the request⁵⁷. Leishman informed the Department on October 19 that permission had been granted. Two days later, on October 21, the Ambassador was directed to convey to the Sultan President Roosevelt's "great satisfaction" with this "courteous permission" which was considered additional proof of the friendship existing between the Ottoman Empire and the United States. Mr. Leishman was advised that the *Scorpion*, under the command of Lt. Commander George W. Logan, would sail on October 22 and that Logan would telegraph from Malta or other convenient port and settle with him the formalities of passage. Formal Ottoman approval, with an *iradé* authorizing "the passage through the Dardanelles of the yacht *Scorpion*", which was to "arrive at the port of Constantinople to serve as stationnaire", was received on October 21⁵⁸.

During the Italo-Turkish and Balkan Wars there were fears of disorders and on November 9, 1912, the *U.S.S. Tennessee* and the *Montana* were ordered to sail on November 12, to arrive off Smyrna and Beirut at the end of the month. The British, French and Russian Governments, which had ships in the Straits, promised protection to American interests, and, with

57. *U. S. Foreign Relations*, 1908, p. 751.

58. *Ibid.*, 752. Logan was to be under the direction of the Ambassador and his position was to be assimilated to that of naval attaché, although he was not "to discharge any diplomatic functions", subject to the advice of the Ambassador. In view of disorders in 1909, Leishman, on August 14, 1909, cabled that the *Scorpion*, temporarily away from Constantinople, should return as soon as possible. *Ibid.*, 1909, 562.

American vessels in the Mediterranean, this was thought sufficient, although the *U.S.S. Brutus*, a naval auxiliary, was ordered to leave Norfolk for Smyrna on November 20. Generally speaking, however, the early appearance of a large fleet of warships in the Bosphorus assured the protection of foreigners, the presence of the *Scorpion* was sufficient to represent United States interests, and United States cruisers were free to act along the Mediterranean coasts, if the numerous American interests around Smyrna and Beirut were threatened⁵⁹.

The persistence of American policy is well illustrated by events immediately following the outbreak of World War I, when the United States refused to recognize the right of the Ottoman Empire to close the Straits even to American warships. Despite all the vicissitudes in European and world politics in the Nineteenth and early Twentieth Centuries, American policy with respect to the Turkish Straits, in principle, remained unaltered, and the position adopted in September 1914 was merely a reiteration of the established policy set forth by Secretary of State Hamilton Fish in 1871. It is clear from the record that, while the United States never admitted the legal principle involved in the right of the Ottoman Empire, the riparian state, to close the Straits, even to warships, it did reluctantly acquiesce in the Ottoman practice and usage, and did not press matters to an issue.

The problem of the Turkish Straits, in all its ramifications, was well on the periphery of American interest, not at the center of attention, and the American commercial, economic and political interests did not seem vital, although the missionary-educational enterprise was one of abiding concern. Nevertheless, it may be important to note that the principles enunciated were part and parcel of the long-standing tradition with respect to freedom of commerce and freedom of the seas. This, moreover, was a theme which would recur in the years to come in connection with the development of American policy regarding the Straits.

It was upon the foundations of these earlier traditional policies in the Nineteenth Century that later American policies were developed in the Twentieth Century, when the problem of the Straits moved from the periphery of American interest. President Wilson, in his address of January 8, 1918, called for freedom of passage for the commerce of all nations through the Turkish Straits under international guarantees. At both the Lausanne and the Montreux Conferences the primary American concern lay in the principle of freedom of commerce. Following the Second World

59. *U. S. Foreign Relations, 1912*, pp. 1347, 1351.

War, as already indicated, the American interest was much more direct, and it is noteworthy that the United States Government participated in the great debate concerning the fate of the Straits after the war, at Yalta and Potsdam. Nor was it merely a commercial interest in the post-war years. Great events were taking place in the Eastern Mediterranean and the Aegean, and it was clear enough that the fate of nations in the neighborhood of the historic waterway might well be determined by the outcome. But the story of the development of American policy in these fateful years remains yet to be told.

Beirut, Lebanon

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