

TELEGRAM SENT.

Department of State,

Washington,

June 26, 1913.

9 WU 45 USG



Bradley,

American Consul,

Montreal, Canada.

Reported Jack Johnson, pugilist, convicted under white slave laws now in Montreal intending to forfeit bond and sail for Europe tomorrow. Investigate and if report verified suggest to local authorities desirability of deportation to United States under immigration laws.

BRYAN.
C.

Y/C

Telephoned

11:32 p.m.

Enciphered by

Sent by operator 11:45 P.M. June 26, 1913. - D-FN.

242.11863

DEPARTMENT OF STATE.

OFFICE OF

THE DIRECTOR OF THE CONSULAR SERVICE.

STATEMENT.

June 27, 1913.

Mr. Bielaski, Chief of the Division of Investigation of the Department of Justice telephoned that Assistant Attorney General Harr says that clearly the Department of Justice can do nothing further in the case of Jack Johnson because he is not extraditable; that the Department will have to accept the immigration authorities' statement of the situation and it does not contemplate any further action, and requests the Department of State to so inform the Consul-General at Montreal.

WJC

173
D.F.

OFFICE
28 1913
DEPARTMENT OF STATE

TELEGRAM RECEIVED.

PLAIN

From
Montreal, Quebec,

Dated June 27 1913,
Rec'd 12:10 P. M.

RECEIVED BUREAU
12 27 JUN
1913
DEPT. OF STATE

Telegram sent
June 27/13

File Ho.

242.11863/1

Secretary of State,
Washington.

Johnson located, immigration authorities here and Ottawa interviewed. They have sent men to Johnson but if he has transportation as tourist cannot be arrested or held by them. Extradition Commission offers have him arrested temporarily. Immediate instructions requested.

W . H . B R A D L E Y

TELEGRAM SENT.

C/Ho

W/10

Department of State,

Washington, June 27, 1913.

American Consul-General,
Montreal, (Canada)..

JPM

242. 11863/1

Your telegram today. Department of Justice holds that if Johnsen cannot be deported under immigration laws, no further action is possible as extradition cannot be requested under our treaty.

Bryan

Enciphered by

Sent by operator

M.

, 1913

No. 404

Π
To Justice
H.

□ F

AMERICAN CONSULATE-GENERAL,

Montreal, Canada. June 30th., 1913.

SUBJECT: Deportation of Jack Johnson, pugilist.

THE HONORABLE

THE SECRETARY OF STATE,

WASHINGTON.

SIR:

Re matter of Jack Johnson, I have the honor to report that on receipt of a telephone message from the Department of Justice at my residence about 11 P.M., Thursday June 26th, asking assistance in the matter, I referred them to the State Department, and communicated with the local police, who located Johnson that night. The next morning, on receipt of message from the Department; -

"Washington, D.C.
June 26th, 1913.

American Consul-General
Montreal, Canada.

Reported Jack Johnson pugilist **convicted** under white slave laws now in Montreal intending to forfeit bond and sail for Europe to-morrow investigate and if report verified suggest to local authorities desirability of deportation to United States under Immigration Laws.

Bryan!"

INDEX BUREAU
242.11863/2

FILED
JUL 7 1913

I called upon the local Emigration Authorities, and from their office communicated direct with the Chief of the Dominion Emigration Service at Ottawa. The decision was that, if Johnson had his ticket through from Chicago to Europe or elsewhere, the Dominion Authorities could not stop him.

I communicated with the Steamship Companies and the Allan Line by wiring their Chicago office for me, found that Johnson had a ticket to Havre, France by their Line.

On receipt of Department's telegram of June 27th;-

Washington, D.C.
June 27th, 1913.

American Consul-General
Montreal, Canada.

Your telegram to-day Department of Justice holds that if Johnson cannot be deported under Immigration Laws no further action is possible as extradition cannot be requested under our Treaty.

Bryan"

I again placed the matter before the Emigration Authorities at Montreal and Ottawa as a "suggestion." They interviewed Johnson and confirmed what the Allan Line had reported to me. In addition to seeing these officials, I interviewed the French Vice Consul-General in-Charge to Canada, to see if his authority extended to stopping such a man embarking for France. He replied that he was powerless but that a cable to the French Authorities at Havre might cause his arrest and deportation.

Johnson sailed on the "SS. CORINTHIAN," of the Allan Line, Sunday morning June 29th, 1913.

I have the honor to be, Sir,

Your obedient servant,

Wm. Harrison Bradley
American Consul-General.

July 5, 1913.

The Secretary of State presents his compliments to The Honorable the Attorney General and has the honor to enclose copy of a despatch from the Consul-General at Montreal, Canada, reporting that one Jack Johnson, a fugitive from justice from the United States, passed through Canada on his way to France and that he could not be deported from Canada, for the reason that he had a through ticket from Chicago to Havre, France.

242.11 J 63/2

Enclosure:

From Montreal, No. 404, June 30, 1913.

242.11 J 63/2
W/Bo
add.
W/Bo

✓
□

1000
1/10

(CONSULAR.)

TELEGRAM SENT.

30 paid 12504

8557

Department of State,

Washington, February 18, 1915.

FEB 18 1915.

American Consul,
Cienfuegos, (Cuba).

MS

242.11863/20

Eighteenth

Jack Johnson left Barbados February eleventh steamship HENRY KRAGER. Cable whether ~~he has~~ arrived Cienfuegos, whether left there, and if so, date departure, name of vessel, destination.

Byrne

ot
ack
aw
T

The above refers to telephone call Feb 18, 1915 from Department of Justice, Bureau of Investigations.

Subject

W. H. KEBL 9404

Confirmed by mail

Enciphered by

Sent by operator

M., 19

7

TELEGRAM RECEIVED.

WSB

PLAIN

17

From Cienfuegos

Undated

Recd. February 19, 1915,

12:30 P M

*Telephoned to Bureau of
Investigations, Feb. 19, 1915,
and letter to Justice
Feb. 20, 1915.*

File 06

Secretary of State,
Washington.

INDEX FILED
242.11863/3

Not yet arrived.

BARTLEMAN

FILED
FEB 23 1915

February 20, 1915.

The Honorable

The Attorney General.

Sir:

Having reference to the telephonic inquiry from the Bureau of Investigations of your Department in regard to the movements of Jack Johnson, I now have the honor to confirm this Department's telephone communication of February 19th to that Bureau informing it that the American Consul at Cienfuegos, Cuba, has reported by telegraph that Jack Johnson has not as yet arrived at that place.

I have the honor to be, Sir,

Your obedient servant,

For the Secretary of State:

RECEIVED
COUNSELOR.

242.11 J 63/3
/7 06

Heb

□ U.

TELEGRAM RECEIVED.
WSB

SOLICITOR'S OFFICE
FEB 20 1915
DEPARTMENT OF STATE.

From Cienfuegos

Undated

Recd. February 19, 1915, 6 p m

File 08

Secretary of State,
Washington.

Evening paper today reports
Johnson as landed Tampico.

BARTLEMAN

INDEX BUREAU
242.11863/4

FILED
FEB 24 1915

Johnson's extradition

Deciphered by

(CONSULAR.)

TELEGRAM SENT.

23 P.M. St. of Sov.

~~985~~
Department of State,

Washington, February 23, 1915.

FEB 23 1915

BB

242.11963/4a

American Consul
Habana (Cuba).

Invest. Bureau
Press reports Jack Johnson Habana. Telegraph soon as possible name, nationality, probable destination, date sailing, vessel leaves on.

Bureau

Mr. Pike

Request Mr. Pike, Bureau of Investigations, Department of Justice.
The above refers to 19, from

Subject

Confirmed by mail, 19

Enciphered by
John K. W. G. S. P.
Sent by operator, 19

TELEGRAM RECEIVED. RED CIPHER
WSB

From Havana

Dated February 24, 1915,

Recd. 1:15 P.M.

730

Secretary of State,
Washington.

*Phoned Mr. Pike 25
3rd Person note to Justice Feb 26 40*

INDEX NUMBER
242.11863/5

February twenty-four, ten A.M.

In reply to telegram twenty-three.

Has been announced Havana today that
the individual named abandons Mexican engage-
ment and will remain here. Fights Havana
this evening. Watching, and will inform you.

R O D G E R S

FILED
FEB 27 1915

Deciphered by

February 26, 1915.

The Secretary of State presents his compliments to the Honorable The Attorney General, and confirming a telephone message of February 25th to Mr. Pike of the Bureau of Investigations, has the honor to say that a telegram of February 24th has been received from the American Consul General at Habana, Cuba, reporting that it was announced in Habana that day that Jack Johnson had abandoned his Mexican engagement and would remain in Habana; that he would fight in Habana that evening. The Consul General adds that he is watching developments and will telegraph promptly the information desired.

242.11J63/5

Ha/D1

Feb 26 1915
Dix

242.11J63/5

17 8.

RBH-CLD

ADDRESS REPLY TO
THE ATTORNEY GENERAL
AND REFER TO
INITIALS AND NUMBER

DEPARTMENT OF JUSTICE.
WASHINGTON, D. C.

W A

164211-80

February 24, 1915.

The Secretary of State.

Sir:

I have the honor to acknowledge letter of February 20, 1915, signed by Robert Lansing, Counselor, referring to the matter of the movements of Jack Johnson.

It is noted that there is therein a confirmation of your Department's telephone communication of February 19th to the Bureau of Investigation of this Department, informing it that the American Consul at Cienfuegos, Cuba, has reported by telegraph that Jack Johnson has not as yet arrived at that place.

Respectfully,

For the Attorney General,

Assistant Attorney General.

INDEX FILED
242.11 863/6

FILED
MAR 1 1915

ADDRESS REPLY TO
THE ATTORNEY GENERAL
AND REFER TO
INITIALS AND NUMBER

AHP-CE

DEPARTMENT OF JUSTICE,
WASHINGTON, D. C.

WHP OBB

RECEIVED
MAR 2 1915
DEPARTMENT OF STATE

March 1st, 1915.

The Honorable,

The Secretary of State.

Sir:

I have the honor to invite your attention to the case of the United States versus John Arthur Johnson, involving a violation of the White Slave Traffic Act. This defendant was convicted in the Northern District of Illinois and, pending an appeal, was released on bond. The Circuit Court of Appeals has rendered a decision in the case favorable to the Government. Johnson forfeited his bond and is now a fugitive from justice. According to press dispatches he is in Havana, Cuba.

The Chief of the Bureau of Investigation has been advised by an official of the Cuban Legation that the Cuban Government will be glad to deport this defendant as an undesirable citizen if a request is made through the proper channels. I, therefore, have the honor to request that the Cuban Government be communicated with, looking to the deportation of this

INDEX BUREAU
242-11863/7

FILED
MAR 10 1915

- 2 -

fugitive and that this Department be advised when Johnson is deported and the name of the boat on which he sails.

Respectfully,

For the Attorney General.

Assistant Attorney General,

Department of State

Office of the Solicitor

March 2, 1915.

Dear Mr. Nielsen:

I agree with your conclusion that a request for Johnson's deportation, under the circumstances of this case, would really be a request for his extradition and apparently if we present such a request we should make the usual statement that under the laws of this Country we could not grant a request in a reciprocal case.

So far as I recall, the Department has presented but one or two requests in recent years and the request or requests presented have been refused.

Authorities asking us to make such requests during the past year, or since the time when I have been looking after extradition matters, have been told that in view of the inability of this Government to reciprocate and of the necessity, in good faith, to accompany requests of this character with informa-

Department of State

Office of the Solicitor

-2-

tion as to such inability and in view also of the further consideration that the experience of the Department has been that requests of this nature, when accompanied by such information, have almost uniformly been refused, it was the practice of the Department not to present such requests.

It seems to me that this practice might well be followed in the present case unless possibly the Department shall ascertain that the wishes of the Cuban Government would be met by the presentation of this request. As apparently involving the Department of Justice in further inappropriate communication with the Cuban Legation or officials thereof it would seem that the Department could not well ask Justice to obtain such assurances but I presume that an informal inquiry made by our Legation at Havana would not be improper.

In any answer made to Justice it would appear appropriate to give an intimation of this Department's

Department of State

Office of the Solicitor

-3-

opinion concerning the communication had by officials of the Department of Justice with the Cuban Legation.

My personal opinion regarding the advisability of taking this matter up with the Cuban Government is that it would be unwise to do so. I believe that requests of this nature should only be made in cases of the utmost seriousness and that Johnson's case does not come under this head. If we present the request in this case and it is honored, the matter will, of course, be given great publicity and a precedent will be established and widely known which will justify the State and Federal authorities in asking the Department to present future requests of this character and doubtless the Department would be importuned many times on the strength of this precedent and would be embarrassed in refusing such importunities.

JRB/RID.

Department of State

Office of the Solicitor

611.419/217.

March 4, 1915.

Dear Mr. Lansing:

I think this letter should be answered in this sense. During the course of a telephone conversation with a young lawyer in the Department of Justice, I intimated to him the impropriety of deals like this being fixed up by investigating officials in the Department of Justice with the Cuban Legation.

ML:MMB.

LKM

Dear Mr. Anderson -

Mr. Lansing thinks we stand in a peculiar relation to Cuba, that - this is a violation (alleged) of a U.S. Statute, + that on these grounds some way may be found to request Cuba either via deportation or extradition, stating at the same time that we cannot prosecute LHM

Department of State
Office of the Solicitor

March 4, 1915.

Diplomatic Bureau:

Acknowledge (letter of March 1, from the Department of Justice) and say:

No information has come from the Cuban Government to the Department through the proper diplomatic channels regarding this matter. The Department notes the statement in your letter to the effect that the Chief of the Bureau of Investigation has been advised by an official of the Cuban Legation that the Cuban Government would be glad to deport the accused as an undesirable alien if a request for his deportation should be made through the proper channels. Inasmuch as the Cuban authorities have allowed this man to enter Cuba, it would appear that he is not debarred from admission into that country under its immigration laws. Consequently, it would seem that any proceed-

Department of State

Office of the Solicitor

- 2 -

ings taken against him with a view to ^{forcing him to} leaving Cuba
would be in the nature of an act of expulsion through
administrative action on the part of the Cuban author-
ities. The Department does not consider itself in a
position to make a request of the Cuban Government
with a view to such a proceeding.

Furthermore, action by this Government in the
nature suggested in your letter would appear to be
equivalent to a request for the extradition of the
accused, although the offense with which he is charged
is not included in the extradition treaty between
this Government and Cuba. Requests of this charac-
ter have been very infrequently made by the Department,
and authorities asking the Department to make such
requests have been informed that, in view of the in-
ability of this Government to take reciprocal action

Department of State

Office of the Solicitor

- 3 -

in the matter of surrendering a fugitive, and in view of the necessity in good faith to accompany such requests with information as to such inability, and in consideration of the fact that the experience of the Department has been that requests of this nature when accompanied by such information have been almost uniformly refused, it has been the practice of the Department not to present such requests.

If the Department were to act in accordance with the request contained in your letter, it would seem that a precedent would be created which, in all probability, would prompt requests of a similar nature which the Department would be embarrassed in being obliged to decline.

The Department regrets that for the reasons stated it does not feel at liberty to comply with your request.

AM/PA.

AM/PA

Department of State

Office of the Solicitor

March 2, 1915.

Dear Mr. Baker:

Here is the letter from Justice regarding which I spoke to you. It seems to me that a request for Johnson's deportation under the circumstances of this case is a virtual request for his extradition, since he would not be deported from Cuba to the country from whence he came. A seemingly unpleasant feature of this case is that it appears that officials of the Department of Justice have been in direct communication with the Cuban Legation regarding Johnson's deportation. In all probability such communication was initiated by the Department of Justice. Is it not a fact that since the case of Stensland in Morocco, we have probably not asked for the extradition of any person unless the offence with which such person was charged was included in some treaty provision? While it might be desirable to have this man brought back, it seems that it might be well that we should first have definite information regarding the communication which appears to have taken place between the Department of Justice and the Cuban Legation.

REN/MPB.

REN

DEPARTMENT OF STATE

OFFICE OF THE COUNSELOR

March 5, 1915.

Dear Mr. Lansing:

Replying to your inquiry in the Jack Johnson case, the offense for which Johnson is indicted is not an extraditable one, and the provisions of our treaty of 1903 with Cuba and of the Cuban Constitution defining the future relations of the United States with Cuba are not of a character which would support a request upon the part of this Government that the Cuban Government should deport Jack Johnson merely because he is under indictment for violating a United States statute. The Cuban Government might be willing voluntarily to expel or deport Johnson, if it should be informed by this Government that he was a fugitive from justice. Perhaps the Cuban immigration laws would require his expulsion or deportation upon official notice that he was under indictment in our Federal Courts on a criminal charge. In that case, however, it is doubtful whether he would be sent to the United States or to the country whence he came to Cuba, which I understand was France. In the latter case the steamship company which brought him might be under obligation to carry him back, but there being no obligation on any steamship company to carry him to the United States, the expense of his transportation here would have to be provided for by the United States, as the Cuban Government could not be expected to do that. I doubt if there is any fund

DEPARTMENT OF STATE

OFFICE OF THE COUNSELOR

available for this purpose.

In these circumstances, I would suggest that it is not worth while to open up this unseavory case with so much uncertainty as to what the outcome of our efforts would be. As the situation now stands, Johnson will not voluntarily return to the United States, and I doubt whether the advantages of bringing him to trial and punishing him here would outweigh the benefit of his permanent absence. Moreover, under the new passport regulations he soon will have to apply for a new passport, and if precautions are taken to prevent his getting one, the outcome might be that he would become a naturalized citizen of some other country. It seems to me that his permanent exclusion from the United States would be vastly better than adopting the course proposed by the Department of Justice, both as a matter of policy, and because, as Mr. Nielson points out, it would establish an inconvenient precedent to trouble the Department in the future.

Johnson

3/1/41

CPA/hkt

March 9, 1915.

The Honorable

The Attorney General.

Sir:

I have the honor to acknowledge the receipt of your Department's letter of the 1st instant, in which you suggest that this Department communicate with the Cuban Government with a view to obtaining the deportation from Cuba of John Arthur Johnson, convicted in the Northern District of Illinois of an offense against the White Slave Traffic Act.

I have the honor to say in reply that no information has come from the Cuban Government to the Department through the proper diplomatic channels regarding this matter. The Department notes the statement in your letter to the effect that the Chief of the Bureau of Investigation has been advised by an official of the Cuban Legation that the Cuban Government would be glad to deport the accused as an undesirable alien if a request for his deportation should be made through the proper channels. Inasmuch as the Cuban authorities have allowed this man to enter Cuba, it would appear that he

is

242.11963/7

is not debarred from admission into that country under its immigration laws. Consequently, it would seem that any proceedings taken against him with a view to forcing him to leave Cuba would be in the nature of an act of expulsion through administrative action on the part of the Cuban authorities. The Department does not consider itself in a position to make a request of the Cuban Government with a view to such a proceeding.

Furthermore, action by this Government in the nature suggested in your letter would appear to be equivalent to a request for the extradition of the accused, although the offense with which he is charged is not included in the extradition treaty between this Government and Cuba. Requests of this character have been very infrequently made by the Department, and authorities asking the Department to make such requests have been informed that, in view of the inability of this Government to take reciprocal action in the matter of surrendering a fugitive, and in view of the necessity in good faith to accompany such requests with information as to such inability, and in consideration of the fact that the experience of the Department has been that

requests

requests of this nature when accompanied by such information have been almost uniformly refused, it has been the practice of the Department not to present such requests.

If the Department were to act in accordance with the request contained in your letter, it would seem that a precedent would be created which, in all probability, would prompt requests of a similar nature which the Department would be embarrassed in being obliged to decline.

The Department regrets that for the reasons stated it does not feel at liberty to comply with your request.

I have the honor to be, Sir,

Your obedient servant,

For the Secretary of State:

Counselor.

7-13
FEB
A. A. ADER.

17 B.V.

No. 952

CONSULAR BUREAU,
MAR 18 1915
DEPT. OF STATE

AMERICAN CONSULATE-GENERAL,

Habana, Cuba, March 6, 1915.

SUBJECT: Case of Jack Johnson, pugilist.

Handwritten notes:
C. J. Johnson
100-100-100

THE HONORABLE

THE SECRETARY OF STATE,

WASHINGTON.

INDEX BUREAU
242.11963/8

SIR:

I have the honor to acknowledge the receipt of the Department's telegraphic instruction of February 23, 1915, reading as follows:

"American Consul,
Habana.

Twentythird press reports Jack Johnson Habana. Telegraph soon as possible name nationality probable destination date sailing vessel leaves on.

Bryan."

FILED
MAR 23 1915

And to confirm my reply, which extended, should have read as follows:

"Secstate, Washington.

Cefri. In reply to telegram twenty-three has been announced Habana today that the individual named abandons Mexican engagement and will remain here. Fights Habana this evening. Watching and will inform you.
Rodgers."

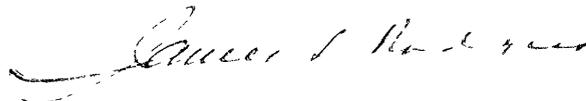
Since the sending of this telegram, I beg to state that we have kept comparatively close watch upon Mr. Johnson, and have ascertained that apparently he has no present intention of leaving habana. He

is said

is said to have taken a house in Larinao, and is appearing each evening at the Layret theater in Habana, with occasional exhibitions at the so-called Stadium, a prize fight structure which occupies the park dedicated by Cuba for the site of the Maine monument. As this prize ring is believed to be more or less of a permanent institution, and as it is attracting a class of people interested in individuals like Mr. Johnson, it is probable that he will not see fit to change his residence for some time to come.

I have the honor to be, Sir,

Your obedient servant,



Consul-General.

File 310
(in duplicate)

March 22, 1915.

The Secretary of State presents his compliments to the Honorable the Attorney General and having reference to previous correspondence concerning the case of Jack Johnson, now has the honor to enclose copy of a despatch on the subject from the American Consul-General at Habana, Cuba.

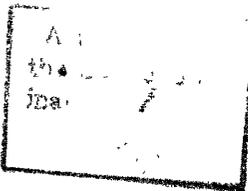
Enclosure:

From Habana No. 952 of
March 6, 1915.

242.11 J 63/8

T Ha/Co
Kest

242.11 J 63/8



TELEGRAM RECEIVED. *Da*

ERH

GREEN CIPHER

From Havana

Dated April 7, 1915

Rec'd 4:35 P.M.

945

*Tel. to Legation
Havana
4/7/15*

Secretary of State,
Washington.

INDEX BUREAU
242.11863/9

April 7, 2:00 P.M.

Jack Johnson asks for emergency pass-
port for use in England and France. Does judicial
action against him in the United States debar
such protection?

G O N Z A L E S .

Deciphered by

DEPARTMENT OF STATE

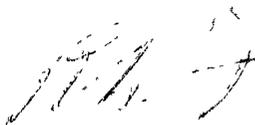
Bureau of Citizenship

MEMORANDUM

April 8, 1915.

Dear Mr. Nielsen:

The Department has held in previous cases that passports should not be issued to Americans who are fugitives from justice in this country. As the possession of a passport assists the fugitive from escaping justice this seems entirely reasonable. The Secretary spoke to me about this case this morning and said that he considered that the passport should not be issued. As the matter has been before him personally I think that this telegram should go to him for signature.



CF/Da

Department of State

Office of the Solicitor

242.11 J 63/9.

April 8, 1915.

Dear Mr. Flournoy:

I presume the Department will find no difficulty in authorizing the refusal of a passport to a fugitive from justice, particularly a person who has been convicted of a crime by the federal courts of this country. Sometime ago the Department of Justice asked our assistance in getting the Cuban authorities to expel Johnson from Cuba, the idea being that he would be sent back to this country. For several reasons it did not seem to me wise that the Department should take such action. You may care to read the Department's letter to Justice in relation to this matter. I think it is desirable that no passports should be issued.

FKN/LHB.



TELEGRAM SENT. *Cipher*

Department of State,

Washington,

Janney

April 8th, 1915.

242.11863/7

Amlegation,

Havana.

Jack Johnson is a fugitive from justice having defaulted on his bail and fled from the country pending appeal

of action against him under the white slave law. It would ~~be~~ *under these* ~~course~~ *conditions* be improper to furnish him any passport or letters of any kind.

Bryan

BY

Enciphered by

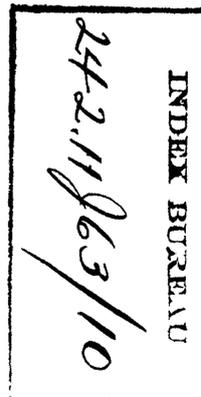
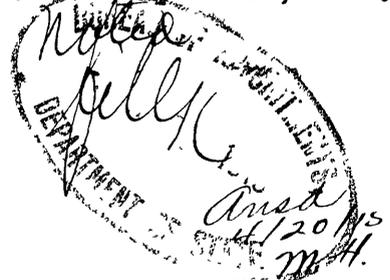
Sent by operator

11 21 1915



N° 221.

Habana, April 12, 1915.



The Honorable
The Secretary of State,
Washington.

Sir:

As there have been published several versions of the incident of Jack Johnson's securing a passport from this Legation, I deem it proper to record the facts.

On Wednesday morning, April 7, I informed Mr. Scholle, the first Secretary, that Jack Johnson and his manager were coming to the office that day for a passport for Johnson; that as I had to go out at 11 o'clock I wished to say that I would not issue a passport to Johnson at this time. Mr. Scholle thought the case a difficult one to pass on; but I told him that I had already decided; that if my general understanding of Johnson's status at home was correct, it would be absurd to ask protection for him abroad, and that I would cable the Department for a confirmation or reversal of my understanding before acting favorably. He asked if he should tell Johnson we would cable the Department; I said to tell him nothing, but if he wished to file a protest to let him do it in writing, and to get from him a statement as to his status before the law in the United States.

The

FILED
APR 24 1915

The day before I had signed for Mr. Scholle three passports in blank. When I returned to the office at 12:30 Mr. Scholle had gone, and Mr. Keyes, the clerk, informed me that Mr. Scholle had issued Johnson a passport. As soon as Mr. Scholle reached his home I called him on the telephone for an explanation of the violation of my instructions. He assured me he had not done so intentionally and that he understood me to mean that if Johnson was free to return to the States he was entitled to a passport; that Johnson had made affidavit to him that he could so return without fear of arrest; also that our Embassy at London had issued him passports last September. I told Mr. Scholle that action of no Embassy or Legation could be my guide, nor did Johnson's affidavit merit credence against my understanding that Johnson is a fugitive from justice; and that I wished him to recover possession of the passport pending inquiry of the Department. Mr. Scholle replied that he believed Johnson was entitled to a passport, and that in view of the affidavit made and the action of the American Embassy in London, he thought he had acted properly in issuing it, especially as Johnson wished to sail that afternoon and there was no time for delay; and that while he was perfectly willing to take the responsibility of his action he did not think he should be placed in the position of asking a return of the passport.

I immediately wrote a note to Johnson stating that the passport had been issued under misapprehension; that I wished time for investigation, and requested its return. Simultaneously a cable of inquiry was sent to the Department.

Legation Clerk Keyes delivered the note, and, at the instance of one Rosenthal, his sub-manager, Johnson declined to return the passport, but said he would come to the Legation the next day. I immediately made an unofficial request of President Menocal, that he have Johnson's movements watched by the Secret Police and if he attempted to leave Habana that the Legation be notified so that I might consider making the necessary formal application for his detention, my idea being, as Mr. Scholle issued the passport principally on the strength of Johnson's affidavit, that if such affidavit were false, I had ground for action.

The President complied with promptness and the service was efficiently rendered; Mr. Keyes remained on duty for ten hours, or until nearly midnight, watching trains, etc. Thursday noon Rosenthal came to the Legation. After much sparring and some bluster, he became convinced that I intended to prevent Johnson's leaving with the passport unless his right to it was confirmed by the Department, and he then offered to hold Johnson here for ten days. To this I consented. Friday morning the Department's cablegram, confirming my original view, was received. I sent for Johnson, and he quickly realized the situation and readily surrendered the passport. I then asked that the secret police who had been shadowing Johnson be called off, and I have thanked the President for his courteous assistance.

I have the honor to be, Sir,

Your obedient servant,

William E. Gonzales

April 20, 1915.

No. 1158

William E. Gonzales, Esquire,
American Minister,
Habana.

Sir:

I have to acknowledge the receipt of your despatch No. 221 of April 12, with reference to the issuance of a passport to Jack Johnson, and to enclose an instruction of this date to Mr. Scholle disapproving his course in that matter.

Given to Scholle

I am, Sir,

Your obedient servant,

For the Secretary of State:

Robert Lansing

Enclosure.

242.11J63/10

[Signature]
APR 20 1915
AP S-MH A. A. ADEE.
MMMS

242.11J63/10

711.4

NOTE

See 130. J 6313- for:

- France - #392 - June 4, 1915.
- To Spain - #105 - June 4, 1915.
- Gt. Britain - #1065 - June 4, 1915.

Informing that John Arthur Johnson is not entitled to a passport for the reason that he is a fugitive from the justice of the United States.

-(Bo)-

242.11863/11
 JUN 4 1915