

INTRODUCTION

The Paris Peace Conference, 1919

The treaty of peace with Germany brought to an end the principal phase of a war which lasted 51 months, became world-wide in its extent, and destroyed or altered the conditions under which formal relations had subsisted between the governments of the states concerned. The Paris Peace Conference faced the task of reestablishing relations between the belligerents by means of treaties of peace with the five states under armistice: Austria, Bulgaria, Germany, Hungary, and Turkey.

The conference was the forum in which the terms of the treaties of peace with Germany, Austria, Bulgaria, Hungary, and Turkey were elaborated, agreed to, and signed. The proceedings began January 12, 1919. The conference in the broadest sense ended with the signing of the treaty of peace with Turkey on August 10, 1920. In a narrower sense the conference closed with the meeting of the Council of Ministers of Foreign Affairs on January 21, 1920, with subsequent proceedings concerning only those governments directly interested. In general the pattern of procedure was a conference of the victors for drafting the terms by which the respective defeated states were to be bound, followed by a period in which the delegations of the latter states were present for written negotiations on the conclusive terms. Until May 7, 1919, when the Conditions of Peace were handed to the German delegation, the conference was a preliminary peace conference of the victor group; thereafter the two stages of the conference overlapped with respect to different enemy states.

The organization of the peace conference, therefore, centered around the arrangements made by the victor group for elaborating their terms. In form all the treaties of peace were bilateral, being instruments in which the multiple "party of the first part" included all belligerents which had entered the war against each of the respective enemy states, which were the single party of each treaty's "second part".

The peace conference was organized by the representatives of the United States, the British Empire, France, Italy, and Japan, which came to be designated as the "Principal Allied and Associated Powers". The rules of procedure of the preliminary peace conference (*Foreign Relations, The Paris Peace Conference, 1919*, III, 172)

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determined the membership and the extent of representation in the following provisions:

“The Conference summoned with a view to lay down the conditions of peace, in the first place by peace preliminaries and later by a definite Treaty of Peace, shall include the representatives of the Allied or Associated belligerent Powers.

“The belligerent Powers with general interests (the United States of America, the British Empire, France, Italy, Japan) shall attend all sessions and commissions.

“The belligerent Powers with special interests (Belgium, Brazil, the British Dominions and India, China, Cuba, Greece, Guatemala, Hayti, the Hedjaz, Honduras, Liberia, Nicaragua, Panama, Poland, Portugal, Roumania, Serbia, Siam, the Czecho-Slovak Republic) shall attend the sessions at which questions concerning them are discussed.

“Powers having broken off diplomatic relations with the enemy Powers (Bolivia, Ecuador, Peru, Uruguay) shall attend sessions at which questions interesting them will be discussed.

“Neutral Powers and States in process of formation shall, on being summoned by the Powers with general interests, be heard, either orally or in writing, at sessions devoted especially to the examination of questions in which they are directly concerned, and only in so far as those questions are concerned.”

Owing to this structure precise terms to define part or all of the groups came into usage. The following phrases were employed at Paris (and are so employed throughout this publication) with the signification indicated:

Principal Allied and Associated Powers—The Governments of the United States of America, the British Empire, France, Italy, and Japan.

Principal Allied Powers—The Governments of the British Empire, France, Italy, and Japan.

Allied and Associated Powers—All the states other than Germany which signed the treaty of peace with Germany.

Allied Powers—The states other than the United States of America and Germany which signed the treaty of peace with Germany; or the states acting for the group; or only the Principal Allied Powers.

In order to attain agreement that would represent a consensus and because of the volume, magnitude, and complexity of the questions to be decided, an extensive series of commissions and committees was

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set up to which all exploratory work was assigned. The mere list of personnel of these bodies as they existed on April 1, 1919 occupies 90 pages (*ibid.* 1919, III, 1). According to the nature of their assignments, they were either representative or expert in membership.

The Principal Allied and Associated Powers managed the extensive committee work through meetings of the President of the United States, who headed the American Commission To Negotiate Peace, and the heads of the other four principal delegations. They met with their ministers for foreign affairs as the Supreme Council from January 12 to March 24, 1919, popularly known as the Council of Ten until President Wilson's departure on February 14. Until his return on March 24 and until the signing of the treaty of peace with Germany, definitive decisions were made by the Council of Four, in which the representative of Japan did not participate. It was a council of five when Japan was represented. From March 27 to June 25, 1919 the Council of Ministers of Foreign Affairs—the Council of Five—took decisions within their authority. The Supreme Council reappeared after the final departure of President Wilson. In it the heads of the five Governments or the ministers of foreign affairs handled business from July 1, 1919 until January 10, 1920, the United States being continuously and responsibly represented up to December 9, 1919. Immediately after the treaty of peace with Germany went into force the representatives of the Principal Allied Powers met as the Council of Heads of Governments or the Council of Ministers of Foreign Affairs from January 10 to 21, 1920. The latter was followed by the Conference of Ambassadors, but as late as the London conference of March-April 1921 the meetings of the heads of Governments were often called gatherings of the Supreme Council. Moreover, titles differ in the records in French and English.

However this top body of the peace conference was organized, it fell to it to reach the decisions on the reports of commissions or committees and on the presentations of national delegations. These were embodied in formal articles drafted by the representatives of the Allied and Associated Powers and then submitted as Conditions of Peace to the defeated states in plenary sessions of the peace conference. The ensuing written negotiations determined the final text of the treaties of peace, which were signed by all interested parties. The most significant questions of the settlement were determined in the earlier stages of the peace conference.

By the time the German Conditions of Peace were ready, the principal problems of the peace settlements had been given solutions, and it remained to apply the principles adopted to the particular situa-

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tions of the ex-enemy states. The four treaties of peace which went into force are not only similar in form but are identic, *mutatis mutandis*, throughout a great part of their texts (see comparative table, p. 36). Approximately 290 of the 381 articles, as well as 8 annexes, of the treaty of peace with Austria repeated the provisions of the treaty with Germany. The treaty with Hungary was more and that with Bulgaria somewhat less of a borrowing from the provisions applied to Germany.

The timetable of the main stages of progress for each treaty works out as follows:

Germany. The "Conditions of Peace" were communicated to the German delegation at a plenary meeting on May 7, 1919. Written negotiations of some length ensued. "Observations on the Conditions of Peace" were handed in by the German delegation on May 29, and the "Reply of the Allied and Associated Powers" was delivered on June 16. A German cabinet crisis and a sharp correspondence in the form of an ultimatum brought a new delegation to Versailles for the signing of the treaty on June 28, the fifth anniversary of the assassination of Archduke Ferdinand of Austria. Germany's ratification was deposited on July 12, but uncertainty as to the intentions of the United States delayed the entry of the treaty into force, without the United States, until January 10, 1920.

Austria. The Austrian delegation was summoned for June 2, 1919, received the "Conditions of Peace" on July 20, and handed in their "Observations" on August 6. That treaty of peace was signed at Saint-Germain-en-Laye on September 10, 1919, entering into force on July 16, 1920.

Bulgaria. The Bulgarian delegation received the "Conditions of Peace" on September 19, 1919 and made their "Observations" on October 25. The treaty of peace was signed at Neuilly-sur-Seine on November 27, entering into force on August 9, 1920.

Hungary. The Hungarian "Conditions of Peace" were dated January 15, 1920, and their "Observations" handed in on February 20. The treaty of peace in final form was submitted to the Hungarians on May 6 and signed by them at Trianon on June 4, 1920, entering into force on July 26, 1921.

Turkey. The treaty of peace with Turkey was the last of the main instruments of the conference to be concluded. Only tentative preparations for making this treaty with the last of the defeated belligerents had been taken when the treaty of peace with Germany was brought into force on January 10, 1920. The "Conditions of

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Peace" were worked out at London in 69 meetings between February 12 and April 10 and at San Remo in 17 meetings between April 18 to 26, and transmitted to the Turkish representatives on May 11. Their "Observations" of June 25 were considered at Spa on July 7, and the "Reply" was dated July 16. The completed treaty was signed at Sèvres on August 10, 1920 but did not enter into force. Peace with Turkey was eventually concluded by 17 instruments negotiated at the conference of Lausanne in 1923, the main treaty being signed on July 24, 1923, and entering into force on August 6, 1924.

The timetable and later stages of the settlement itself were affected by uncertainty concerning the position which the United States would take. Without waiting for participation of the United States, it would have been possible to have brought the treaty of peace with Germany into force by the middle of October 1919, with a consequent acceleration of steps with respect to other parts of the whole settlement. The Supreme Council advised the German delegation on November 1 to be ready to attend the ceremony of bringing the treaty into force upon five days' notice, and itself counted upon the 10th. The adverse vote on the treaty by the United States Senate on November 19 caused a postponement to December 1. There ensued an argument with the German delegation whether some modification of the treaty should not take place "in compensation for the absence of American delegates on commissions". The problem of putting the treaty in force for the Principal Allied and Associated Powers without the "Associated Power" worried the Supreme Council until January 9, 1920. The required procès-verbal for the first deposit of ratifications was executed the next day.

With the peace conference in course of disbandment at the time of the entry of the treaty of peace with Germany into force, the interim Committee To Coordinate the Interpretation and Execution of the Clauses of the Treaty With Germany was no longer an appropriate channel of action. Its temporary character was understood at its authorization by the Supreme Council on July 2, 1919, and that committee devoted its early attention to the creation of a continuing organ which could be given authority to pass upon current questions.

This organ was the Conference of Ambassadors, which played the principal role for the Allied and Associated Powers after the treaties of peace with Germany, Austria, Bulgaria, and Hungary entered into force. It originated in an American proposal called forth by a recommendation dated July 23, 1919 made by the Committee on Execution of the Clauses of the Treaty to the Supreme

Council of the peace conference. The plan was approved by the Supreme Council on July 28 and ordered into being by the Supreme Council by means of its resolution of December 13.

The Council of Ministers of Foreign Affairs on January 21, 1920 decided to call the committee set up by that resolution the "Conference of Ambassadors" and to invest their Ambassadors at Paris with the "full powers" held by the Supreme Council, except that the body was given no jurisdiction over questions arising out of the treaty of peace with Turkey. As finally determined, the functions of the Conference of Ambassadors embraced questions concerning the interpretation and execution of the treaties of peace, "with the exception of those entrusted by them to the League of Nations, or to the Reparation Commission, those for military, naval and air control and for the left bank of the Rhine or other permanent organs of the same character". The conference held its first meeting on January 26, 1920 and took 2,957 resolutions at 327 regular sessions up till March 30, 1931. It sat at the Quai d'Orsay in Paris. Belgium was admitted for Belgian questions after March 1920. The French representative presided, and the Ambassadors of Great Britain, Italy, and Japan sat as members, with the Ambassador of the United States as an intermittent "observer".

Collaborating with the conference was the Allied Military Committee "of Versailles", which dealt with military questions of the treaty's execution, in virtue of a decision of the Heads of Governments on December 13, 1919, until its dissolution from March 16, 1931. The conference had other aids. It called on naval counselors of the four principal powers for advice and reports, and set up the Technical Geographical Committee to assist it with reference to delimitation and territorial questions. A Technical Committee on Railroads, a Financial Committee, and an Editing Committee served the conference in their respective fields.

The action of the Conference of Ambassadors was taken in four forms: (1) Resolutions, effective decisions without appeal which could be questioned only by the Governments represented on the conference; (2) declarations, more solemn acts which engaged the general policy of the ex-allied states; (3) protocols, signed by the Ambassadors and plenipotentiaries of states, with which questions of application of the treaties were regulated; (4) procès-verbaux (minutes) of their meetings.

The United States and the Settlement

The primary relationship of the United States to the treaties was determined by its participation as a belligerent in the war of 1914-18. The President, in whose name the action would be taken, determined to attend the peace conference in person as head of the American Commission To Negotiate Peace. The President arrived in Paris on December 13, 1918 and ceased to head the commission immediately after the signing of the treaty of peace with Germany. The commission itself continued its activities through the conclusion of the treaties of peace with Austria and Bulgaria and did not take ship to return to the United States until December 10, 1919.

The commissioners of the United States signed the treaties of peace with Germany, Austria, and Hungary as a consequence of having been in a state of war with each.

The American commissioners signed the treaty of peace with Bulgaria without having been at war with that country. "We took part in the negotiations" (with Bulgaria), wrote the Secretary of State to the President on November 21, 1919, "on the theory that under Article 10 [of the Covenant] we were bound to guarantee the settlements and therefore should have a voice in reaching them and should also be a party to the treaty." On November 24 the President's secretary transmitted a memorandum from Mrs. Wilson which stated from the President that the commissioners "could sign but [he] does not advise their remaining for that purpose" (file 763.72119/8126½ A and /8127½). The commissioners, still being at Paris, did sign the treaty of peace with Bulgaria on November 27.

Uncertainty of the extent of participation of the United States in the deliberations of the Supreme Council increased in October 1919 and thereafter. The American Commission To Negotiate Peace left Paris on December 9, and the treaty of peace with Germany was brought into force on January 10, 1920 without the eventual participation of the United States having been clarified.

In Washington attention was concentrated on the treaty of peace with Germany on which a highly publicized debate had been going on since the convening of the Senate of the 66th Congress on May 19, 1919. The debate increased in critical content after the formal submission of the treaty to the Senate on July 10 and again after the submission of the report of the Committee on Foreign Relations on September 10. The Senate failed to give its advice and consent to ratification on November 19.

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The Department of State on August 28, 1919 concluded that the "United States should not participate in the work of setting up commissions, etc., until the treaty is ratified by the United States", but there seemed "to be no reason why United States representatives can not discuss with representatives of the other powers what may be done if and when the treaty comes into force". Vacancies were not filled by the United States as they occurred, a situation which caused the Council to provide that commissions could take valid decisions if all eligible states were not represented.

The Secretary of State on October 22 wrote his opinion that "our representatives may sit as unofficial observers at the meetings of certain commissions in cases where such express authority is given by the Department". On November 27, in view of the failure of the Senate to advise and consent to ratification of the treaty of peace with Germany, the Secretary of State informed the American Commission To Negotiate Peace, "the President feels that you should withdraw immediately the American representatives on all commissions growing out of or dependent on either the Peace Conference or the treaty except those dealing with Reparations Commission which are being further considered by the President. The Department feels that this Government has an interest apart from the treaty in keeping in touch with economic and financial questions." As to the Austrian, Bulgarian, and Hungarian treaties, "the position of the United States . . . is the same as outlined above with reference to the German treaty".

On December 8 the Ambassador in France was informed of the President's agreement to his "sitting on the Supreme Council in behalf of the United States as an observer and not as a participant". He was later cautioned to make it clear that "the United States is not to be considered as party to any resolution, declaration or action of or by the Council unless through special act of the Department this Government expressly adheres thereto".

On December 30 he was instructed to request the Council "to delay all actions, resolutions, or decisions which concern this Government until Department sends you instructions for each matter involved", and that "'Principal Allied and Associated Powers' should only be used when you have agreed to its use in any particular instance" (*Foreign Relations*, 1919, I, 31.)

Throughout November and December the Supreme Council devoted considerable thought to making the adjustments necessitated by the withdrawal of the United States and to organizing the work which remained. On December 13 the Supreme Council agreed that

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“the present session” of the peace conference should end at latest within a fortnight of the entry into force of the treaty with Germany. “Large questions” of policy would thereafter be dealt with by direct communication between the Governments and questions of detail would go to the Conference of Ambassadors in Paris.

The contemplated transition took place on January 21, 1920 when the Council of Heads of Government and of Ministers of Foreign Affairs in a last joint session provided for the future. The Conference of Ambassadors began its work on January 26, and shortly after there began a series of conferences extending over two years which were attended by the heads of government, the ministers of foreign affairs, or other delegates sitting as direct representatives of their governments. At this juncture it was incumbent upon the United States to decide upon the character and extent of its participation in the two series of meetings.

As to the Conference of Ambassadors, the Ambassador in France was instructed (*ibid.*, p. 32): “The Department does not object to your attending unofficially and as an observer, . . . provided your colleagues should request or offer no objection to your attending the meetings in such capacity.”

The Conference of Ambassadors solved the difficulty of the abstention of the United States from its decisions on behalf of the “Principal Allied and Associated Powers” by employing this formula: “The British Empire, France, Italy and Japan, signatories with the United States of America, as the Principal Allied and Associated Powers, to the Treaty of Peace.” The phrase was first used in the treaty transferring Slesvig to Denmark, May 22, 1920.

As to the series of conferences, no general instruction was issued. The first two of these were regarded as continuations of the peace conference for concluding the treaty of peace with Turkey. At the London conference, February 12–April 10, 1920, the President did not wish the Ambassador to attend “in any capacity even if you should be invited” (*ibid.*, 1920, I, 1). At San Remo, April 18–26, 1920, the Ambassador in Italy was present as an “observer”. Until January 1923 there were subsequently held 15 conferences that can be regarded as related to the peace conference, of which 3 dealt only with Turkey and the Near East. Nine of the series dealt wholly or in part with reparation questions, in which the United States participated only at the informational level through its unofficial observer with the Reparation Commission. At Paris, August 8–13, 1921, there was an observer for the Upper Silesian question only (*ibid.*, 1921, I, 15), and there was an observer at Cannes, January

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6-13, 1922. An invitation to Genoa, April 10-May 19, 1922, was declined since the conclusion was reached that it would be "a conference of a political character in which the Government of the United States could not helpfully participate" (*ibid.*, 1922, 1, 393). However, the Ambassador in Italy was sent to Genoa for the duration of the conference.

The function of an observer was described in the instruction of April 20, 1920 to the Ambassador in Italy for attendance at the San Remo conference (*ibid.*, 1920, 1, 2): "You are not to participate but will act solely as an observer. You are to express no opinion and take no action on any subjects [considered] by the Supreme Council but you are to report the proceedings to the Department and await instructions on any question on which an expression of the views of this Government is desired." The policy of the representative of the United States admitted to the Conference of Ambassadors to be an observer, as described by the first Ambassador in France to fill the position, was that "in every case where it seems that United States in the event of ratifying treaties concerned might even possibly desire to adopt different attitude from that decided upon by Conference a reservation has been made" (*ibid.*, p. 3).

The Acting Secretary of State reported in a circular telegram of January 18, 1921 that it had been decided to discontinue representation on the Conference of Ambassadors "since this country has not accepted the Treaty of Versailles and as the most important questions raised by the armistice have been disposed of". By January 28 the Ambassador in France was asked to get copies of the minutes of meetings of the Conference of Ambassadors "informally"; they "would be of great value to the Department".

The Secretary of State of the new administration was equally cautious when he took office in March 1921, while the Principal Allied Powers were sitting in London to decide on the reparation program. From their president on May 6 came this request (*ibid.*, 1921, 1, 12):

"As President of the Allied Conference which is just completing its sittings in London, I am authorised with the unanimous concurrence of all the Powers here represented to express to the United States Government our feeling that the settlement of the international difficulties in which the world is still involved would be materially assisted by the co-operation of the United States; and I am therefore to enquire whether that Government is disposed to be represented in the future, as it was at an earlier date, at Allied Confer-

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ences, wherever they may meet, at the Ambassadors' Conference, which sits at Paris, and on the Reparations Commission.

"We are united in feeling that American cognizance of our proceedings and, where possible, American participation in them, will be best facilitated by this."

The Government of the United States accepted this invitation the same day, saying that, "while maintaining the traditional policy of abstention from participation in matters of distinctly European concern", it was "deeply interested in the proper economic adjustments and in the just settlement of the matters of world-wide importance which are under discussion in these conferences, and desires helpfully to cooperate in the deliberations upon these questions."

After the Schedule of Payments for reparation was accepted, the Ambassador in London was designated to participate in the Supreme Council without committing his Government "to any action on its part". Nonparticipation was to resolve any difficulty in separating "matters of 'distinctly European concern' from matters of 'world-wide importance'" (*ibid.*, p. 14). The American Ambassador in Paris resumed as "unofficial American observer on the Conference of Ambassadors". His function was "to make reservations for reference to the Department on decisions affecting the interests of the United States", refraining from opinion or comment on other questions and making any commitments only on instructions.

The pattern of participation as it stood in May 1921 remained substantially unchanged so long as questions originating from the Paris Peace Conference were uppermost. The general lines of the policy described were given more rigidity when the Senate's condition to the treaties restoring friendly relations with Germany, Austria, and Hungary became applicable. Attendance of the "observer" at meetings of the Conference of Ambassadors was seldom more than formal. The staff attached to the office of the unofficial American observer on the Reparation Commission rendered many services. Some of the personnel were taken over by the Commission, while the unofficial observer himself was not infrequently called upon to give awards, to umpire questions, or to make disinterested reports upon such matters as the evaluation of shipping tonnage.

Peace Between the United States and Germany

The treaty of peace was laid before the Senate by the President of the United States with a message, with a view to its advice and consent to ratification, on July 10, 1919. The substance, form, and the

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order of negotiation of its various parts had, however, been under debate in the Senate since the previous December. Since the convening of the first session of the 66th Congress on May 19, the presumed contents of the treaty had been daily under critical discussion on the floor.

The Senate Committee on Foreign Relations reported the treaty to the Senate on September 10, 1919, after 45 days devoted to reading its text and to hearings. Two minority reports were also submitted (S. Rept. 176, 66th Cong., 1st sess., serial 7590).

The majority of the committee proposed 46 amendments, of which 40 were designed to remove the United States from participation in all commissions or bodies for which continuing action was provided under the treaty. These amendments called for striking out the words "and Associated" from the term "Allied and Associated Powers" wherever it appeared. All amendments were defeated in Committee of the Whole by November 6.

Four reservations were originally proposed by the committee. Following the extensive debate on the amendments ranging over the entire treaty, those reservations were superseded by 16 reservations reported by the committee on October 23 (S. Doc. 143, 66th Cong., 1st sess., serial 7610). The resolution of ratification embodying 14 reservations was prepared in the Committee of the Whole. The resolution failed in the Senate on November 19 to receive the required two-thirds vote by a vote of 39 to 55. Of the 14 reservations, all except four related to the Covenant of the League of Nations or the Constitution of the International Labour Organisation, which are physically Parts I and XIII of the treaty.

On the same day in the Senate, a resolution to advise and consent to the ratification of the treaty without reservations failed by a vote of 38 to 53.

An effort to agree on compromise reservations was made in the next session. A resolution somewhat revised and embodying 15 reservations failed of the two-thirds requirement in the Senate on March 19, 1920, by a vote of 49 to 35.

The chairman of the Senate Committee on Foreign Relations, who was the leader of the Republican majority, thereupon submitted a resolution "to return to the President the Treaty of Peace with Germany". It was adopted by a vote of 43 to 37.

On December 20, 1919 the Senate Committee on Foreign Relations had before it S.J. Res. 136 (66th Cong., 2d sess.), by Mr. Knox, which consisted of the single sentence: "That peace exists between the United States and Germany." Also before the committee was S.

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Con. Res. 17, by Mr. Lodge, to the same effect, but with a preamble, the form of this proposal enabling it to take effect without approval by the President. After discussion the committee adopted a substitute joint resolution by a vote of 7 to 3 which would repeal the joint resolution of April 6, 1917 declaring a state of war, assert rights under the treaty of peace with Germany, and reaffirm the policy expressed in the act of August 29, 1916 (39 Stat. 556, 618) by requesting the President to "invite all the great governments of the world" to formulate in conference plans for an international court and for disarmament. This was submitted to the Senate as S.J. Res. 139 (66th Cong., 2d sess.) from the committee. It was put on the calendar and reposed there (*Congressional Record*, Dec. 20, 1919, p. 960).

This approach to the problem was sidetracked after the Christmas holidays for the second attempt of the Senate to reach agreement on a resolution advising and consenting to ratification of the treaty of peace. The Senate vote of March 19 closed that line of action.

The Senate having failed, the House of Representatives took over, and on April 9 the chairman of its Committee on Foreign Affairs introduced H.J. Res. 327 (66th Cong., 2d sess.), "terminating the state of war declared to exist April 6, 1917, between the Imperial German Government and the United States, permitting on conditions the resumption of reciprocal trade, and for other purposes". This came from the committee without amendment on April 6 but with both majority and minority reports (H. Rept. 801, serial 7653). The debate on April 8 and 9 was limited in time by a rule adopted 214 to 155. An effort to recommit the proposal with an amendment was defeated 177 to 222, and the adoption of the joint resolution as it stood was by a vote of 242 to 150.

The Senate Committee on Foreign Relations discussed it at length without action on April 15. On the 16th Senator McCumber proposed a substitute providing for the resumption of commercial relations with Germany and the repeal of laws prohibiting trade and commerce enacted since April 6, 1917 to establish conditions "as though no war had existed". Senator Knox suggested reverting to S.J. Res. 139. Not until April 29 did the committee resolve its quandary, and then it reported out a substitute for the House proposal by a vote of 9 to 6 (U. S. Senate, Committee on Foreign Relations, *Proceedings* . . . 63d-67th Cong. (1913-23), pp. 232-35).

On April 30, 1920 the chairman of the House Committee on Foreign Affairs reported out an amended form of this joint resolution, which was passed by the House on May 9, 1920 by a vote of 250 to 242. It was again amended in the Senate, to include ending of the state of

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war with the Austro-Hungarian Government and was there passed on May 15 by a vote of 43 to 38. The House concurred in the Senate amendments on May 21 by a vote of 226 to 139. The President vetoed the joint resolution on May 27, and the House on May 28 failed to pass the measure over the veto, two thirds being required, by a vote of 220 to 152 (H. Rept. 801, 66th Cong., 2d sess., pts. 1 and 2, serial 7653; S. Rept. 568, serial 7649; President's veto message, H. Doc. 799, 66th Cong., 2d sess., serial 7768).

In a conversation with René Viviani, former premier of France on a mission to the United States, the Secretary of State on March 30, 1921 told him that "he felt that there was today in the United States greater opposition to the Treaty of Versailles than at the time of the last election even", and that "the idea of separate peace with Germany gained ground". However, the memorandum of the conversation ended (*Foreign Relations*, 1921, I, 967): "Mr. Jusserand [the French Ambassador] then stated that the President had informed him that he was not in favor of a separate peace. Secretary Hughes replied that while the President felt so with respect to a separate peace at this time, yet in view of the strong public opinion in this country with reference to the Treaty and League, unless an alternative were suggested which would have the general support of public opinion here, a separate peace might be the only course left open to us."

For the consideration of the 67th Congress, the new President (Harding) submitted a message on April 12, 1921 (*ibid.*, p. xviii) in which, adverting to the pledge "to seek an early establishment of peace", he said:

"The United States alone among the allied and the associated powers continues in a technical state of war against the Central Powers of Europe. This anomalous condition ought not to be permitted to continue. To establish the state of technical peace without further delay, I should approve a declaratory resolution by Congress to that effect, with the qualifications essential to protect all our rights. Such action would be the simplest keeping of faith with ourselves, and could in no sense be construed as a desertion of those with whom we shared our sacrifices in war, for these powers are already at peace.

"Such a resolution should undertake to do no more than thus to declare the state of peace, which all America craves. It must add no difficulty in effecting, with just reparations, the restoration for which all Europe yearns, and upon which the world's recovery must be founded. Neither former enemy nor ally can mistake America's

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position, because our attitude as to responsibility for the war and the necessity for just reparations already has had formal and very earnest expression.

“It would be unwise to undertake to make a statement of future policy with respect to European affairs in such a declaration of a state of peace. In correcting the failure of the Executive, in negotiating the most important treaty in the history of the Nation, to recognize the constitutional powers of the Senate we would go to the other extreme, equally objectionable, if Congress or the Senate should assume the function of the Executive. Our highest duty is the preservation of the constituted powers of each, and the promotion of the spirit of cooperation so essential to our common welfare.

“It would be idle to declare for separate treaties of peace with the Central Powers on the assumption that these alone would be adequate, because the situation is so involved that our peace engagements can not ignore the Old World relationship and the settlements already effected, nor is it desirable to do so in preserving our own rights and contracting our future relationships.

“The wiser course would seem to be the acceptance of the confirmation of our rights and interests as already provided and to engage under the existing treaty, assuming of course, that this can be satisfactorily accomplished by such explicit reservations and modifications as will secure our absolute freedom from inadvisable commitments and safeguard all our essential interests.”

In the 67th Congress, 1st session, Senator Knox introduced the counterpart of the 1920 proposal, S.J. Res. 16, on April 13, 1921. Reported out on April 25 with amendment (S. Rept. 2, serial 7918), the resolution was amended again and then passed by the Senate on April 30, the vote being 49 to 23. The House Committee on Foreign Affairs amended it again and reported out a complete substitute on June 7 (H. Rept. 148, serial 7920).

The House debate was limited by a special rule (H. Res. 110) adopted by a vote of 212 to 105 on June 11 (H. Rept. 166, serial 7923). The substitute was passed by the House on June 13 by a vote of 304 to 61 after the defeat of a motion to recommit, 112 to 254. The Senate on June 14 disagreed to the House version and asked for a conference. In effect, the Senate insisted on maintaining what became section 5 of the act. The House debated and agreed to the conference report (H. Rept. 237, serial 7920; S. Doc. 42, serial 7932) on June 30 by a vote of 263 to 59, and the Senate followed on July 1 with a vote of 38 to 19. Accordingly, the joint resolution became law by approval of the President on July 2, 1921 (42 Stat. 105).

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*Joint Resolution Terminating the state of war between the Imperial German Government and the United States of America and between the Imperial and Royal Austro-Hungarian Government and the United States of America.*¹

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the state of war declared to exist between the Imperial German Government and the United States of America by the joint resolution of Congress approved April 6, 1917 [40 Stat. 1], is hereby declared at an end.

SEC. 2. That in making this declaration, and as a part of it, there are expressly reserved to the United States of America and its nationals any and all rights, privileges, indemnities, reparations, or advantages, together with the right to enforce the same, to which it or they have become entitled under the terms of the armistice signed November 11, 1918, or any extensions or modifications thereof; or which were acquired by or are in the possession of the United States of America by reason of its participation in the war or to which its nationals have thereby become rightfully entitled; or which, under the treaty of Versailles, have been stipulated for its or their benefit; or to which it is entitled as one of the principal allied and associated powers; or to which it is entitled by virtue of any Act or Acts of Congress; or otherwise.

SEC. 3. That the state of war declared to exist between the Imperial and Royal Austro-Hungarian Government and the United States of America by the joint resolution of Congress approved December 7, 1917 [40 Stat. 429], is hereby declared at an end.

SEC. 4. That in making this declaration, and as a part of it, there are expressly reserved to the United States of America and its nationals any and all rights, privileges, indemnities, reparations, or advantages, together with the right to enforce the same, to which it or they have become entitled under the terms of the armistice signed November 3, 1918, or any extensions or modifications thereof; or which were acquired by or are in the possession of the United States of America by reason of its participation in the war or to which its nationals have thereby become rightfully entitled; or which, under the treaty of Saint Germain-en-Laye or the treaty of Trianon, have been stipulated for its or their benefit; or to which it is entitled as one of the principal allied and associated powers; or to which it is entitled by virtue of any Act or Acts of Congress; or otherwise.

SEC. 5. All property of the Imperial German Government, or its successor or successors, and of all German nationals which was, on April 6, 1917, in or has since that date come into the possession or under control of, or has been the subject of a demand by the United States of America or of any of its officers, agents, or employees, from any source or by any agency whatsoever, and all property of the Imperial and Royal Austro-Hungarian Government, or its successor or successors, and of all Austro-Hungarian nationals which was on December 7, 1917, in or has since that date come into the possession or under control of, or has been the subject of a demand by the United States of America or any of its officers, agents, or employees, from any source or by any agency whatsoever, shall be retained by the United States of America and no disposition

¹ 42 Stat. 105; Public Res. 8 (67th Cong., 1st sess.); S.J. Res. 16.

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thereof made, except as shall have been heretofore or specifically hereafter shall be provided by law until such time as the Imperial German Government and the Imperial and Royal Austro-Hungarian Government, or their successor or successors, shall have respectively made suitable provision for the satisfaction of all claims against said Governments respectively, of all persons, wheresoever domiciled, who owe permanent allegiance to the United States of America and who have suffered, through the acts of the Imperial German Government, or its agents, or the Imperial and Royal Austro-Hungarian Government, or its agents, since July 31, 1914, loss, damage, or injury to their persons or property, directly or indirectly, whether through the ownership of shares of stock in German, Austro-Hungarian, American, or other corporations, or in consequence of hostilities or of any operations of war, or otherwise, and also shall have granted to persons owing permanent allegiance to the United States of America most-favored-nation treatment, whether the same be national or otherwise, in all matters affecting residence, business, profession, trade, navigation, commerce and industrial property rights, and until the Imperial German Government and the Imperial and Royal Austro-Hungarian Government, or their successor or successors, shall have respectively confirmed to the United States of America all fines, forfeitures, penalties, and seizures imposed or made by the United States of America during the war, whether in respect to the property of the Imperial German Government or German nationals or the Imperial and Royal Austro-Hungarian Government or Austro-Hungarian nationals, and shall have waived any and all pecuniary claims against the United States of America.

Sec. 6. Nothing herein contained shall be construed to repeal, modify or amend the provisions of the joint resolution "declaring that certain Acts of Congress, joint resolutions and proclamations shall be construed as if the war had ended and the present or existing emergency expired," approved March 3, 1921 [41 Stat. 1359], or the passport control provisions of an Act entitled "An act making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1922," approved March 2, 1921 [41 Stat. 1217]; nor to be effective to terminate the military status of any person now in desertion from the military or naval service of the United States, nor to terminate the liability to prosecution and punishment under the Selective Service law, approved May 18, 1917 [40 Stat. 76], of any person who failed to comply with the provisions of said Act, or of Acts amendatory thereof.

Approved, July 2, 1921.

The text of the public resolution was cabled to Berlin on July 5 and was followed on the same day by a telegram to the commissioner at Berlin inquiring whether the German Government intended to question in any way any of the rights, interests, and advantages stipulated for the benefit of the United States in the treaty of peace. The resolution indicated, said the Secretary of State, "that the United States will not enter into any treaty which fails to secure them". The commissioner's communication was to "be informal, but we desire an authoritative and definite answer" (*Foreign Relations*, 1921, II, 6). On the 22d the German Minister for Foreign Affairs transmitted a paper "which shows the attitude taken by the

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Reichskabinett", which, however, was "not to be regarded as an official communication to the Government of the United States". It was, said the German minister, a statement on the contents of the memorandum on the assumption that its text as presented by the commissioner "fully corresponds with the views of the American Government".

The German Minister for Foreign Affairs next wished assurance that the United States would recognize any condition, limitation, or right accorded to Germany in any treaty provision under which the United States claimed a right, privilege, or advantage. The Secretary of State understood this inquiry to mean "that each provision of the Versailles Treaty must be construed in the light of its context, that is, according to its true meaning". There was "not the slightest objection to this view". It was, however, undesirable that the specific advantages claimed by the United States or the rights in Germany's favor be set forth, since that "would amount to an attempt to insert a commentary upon the Treaty of Versailles into the proposed treaty" (*ibid.*, p. 10). This did not satisfy the Germans, and the United States agreed to insert what is the second paragraph of article II(1) of the treaty. In transmitting assent to this on August 11, the Secretary of State declined to include any reference to disposition of the holdings of the Alien Property Custodian and added that opposition or delay to completing the treaty "cannot in any possible contingency be helpful to Germany". Germany further desired to introduce the idea of reciprocity but was eventually satisfied with the statement that the United States could reach no agreement inconsistent with the resolution of July 2 and the assurance that its intention was "to maintain all rights obtained through participation in the War and thus to maintain equal footing with co-belligerents".

The treaty restoring friendly relations was signed on behalf of the United States and Germany at Berlin on August 25, 1921 and took effect by the exchange of ratifications at Berlin on November 11, 1921, in accordance with article III.

It did not reestablish peace between the United States and Germany. As to the United States the state of war, which had existed since April 6, 1917, was "declared at an end" by virtue of the public resolution of July 2, 1921. In the proclamation promulgating the treaty as in force, the President proclaimed on November 14, 1921 "that the war between the United States and Germany terminated on July 2, 1921".

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The actual status of war had been modified in several respects prior to either date. A general license had been issued by the War Trade Board of the Department of State on March 3, 1919; a joint resolution of Congress approved March 3, 1921 (41 Stat. 1359) had suspended much war legislation; and the rest of the war powers became suspended as of July 2, 1921. By article II(5) of the treaty the United States was entitled to date any act or election under the Treaty of Versailles from January 10, 1920.

As to Germany the transition from war to peace with respect to the United States was regarded by the German Government as marked by the entrance of the treaty into force on November 11, 1921. Full diplomatic relations were resumed by the United States with Germany as from November 16.

The treaty restoring friendly relations between the United States and Germany did not meet with the complete approval of the Senate, which gave its advice and consent to ratification on October 18, 1921 subject to understandings, made a part of the resolution of ratification, as follows:

“that the United States shall not be represented or participate in any body, agency or commission, nor shall any person represent the United States as a member of any body, agency or commission in which the United States is authorized to participate by this Treaty, unless and until an Act of the Congress of the United States shall provide for such representation or participation;

“that the rights and advantages which the United States is entitled to have and enjoy under this Treaty embrace the rights and advantages of nationals of the United States specified in the Joint Resolution or in the provisions of the Treaty of Versailles to which this Treaty refers”.

The instrument of ratification by the President, dated October 21, 1921, records that he does “ratify and confirm the same and every clause thereof, subject to the understandings hereinabove recited”.

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*Treaty Between the United States and Germany
Restoring Friendly Relations*

Signed at Berlin August 25, 1921

[The vertical rule indicates treaty text.]

The United States of America and Germany:

Considering that the United States, acting in conjunction with its co-belligerents, entered into an Armistice with Germany on November 11, 1918, in order that a Treaty of Peace might be concluded;

Considering that the Treaty of Versailles was signed on June 28, 1919, and came into force according to the terms of its Article 440, but has not been ratified by the United States;

Considering that the Congress of the United States passed a Joint Resolution, approved by the President July 2, 1921, which reads in part as follows:

“Resolved by the Senate and House of Representatives of the United States of America in Congress Assembled, That the state of war declared to exist between the Imperial German Government and the United States of America by the joint resolution of Congress approved April 6, 1917, is hereby declared at an end.

“SEC. 2. That in making this declaration, and as a part of it, there are expressly reserved to the United States of America and its nationals any and all rights, privileges, indemnities, reparations, or advantages, together with the right to enforce the same, to which it or they have become entitled under the terms of the armistice signed November 11, 1918, or any extensions or modifications thereof; or which were acquired by or are in the possession of the United States of America by reason of its participation in the war or to which its nationals have thereby become rightfully entitled; or which, under the treaty of Versailles, have been stipulated for its or their benefit; or to which it is entitled as one of the principal allied and associated powers; or to which it is entitled by virtue of any Act or Acts of Congress; or otherwise.

“SEC. 5. All property of the Imperial German Government, or its successor or successors, and of all German nationals, which was, on April 6, 1917, in or has since that date come into the possession or under control of, or has been the subject of a demand

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by the United States of America or of any of its officers, agents, or employees, from any source or by any agency whatsoever, and all property of the Imperial and Royal Austro-Hungarian Government, or its successor or successors, and of all Austro-Hungarian nationals which was on December 7, 1917, in or has since that date come into the possession or under control of, or has been the subject of a demand by the United States of America or any of its officers, agents, or employees, from any source or by any agency whatsoever, shall be retained by the United States of America and no disposition thereof made, except as shall have been heretofore or specifically hereafter shall be provided by law until such time as the Imperial German Government and the Imperial and Royal Austro-Hungarian Government, or their successor or successors, shall have respectively made suitable provision for the satisfaction of all claims against said Governments respectively, of all persons, wheresoever domiciled, who owe permanent allegiance to the United States of America and who have suffered, through the acts of the Imperial German Government, or its agents, or the Imperial and Royal Austro-Hungarian Government, or its agents, since July 31, 1914, loss, damage, or injury to their persons or property, directly or indirectly, whether through the ownership of shares of stock in German, Austro-Hungarian, American, or other corporations, or in consequence of hostilities or of any operations of war, or otherwise, and also shall have granted to persons owing permanent allegiance to the United States of America most-favored-nation treatment, whether the same be national or otherwise, in all matters affecting residence, business, profession, trade, navigation, commerce and industrial property rights, and until the Imperial German Government and the Imperial and Royal Austro-Hungarian Government, or their successor or successors, shall have respectively confirmed to the United States of America all fines, forfeitures, penalties, and seizures imposed or made by the United States of America during the war, whether in respect to the property of the Imperial German Government or German nationals or the Imperial and Royal Austro-Hungarian Government or Austro-Hungarian nationals, and shall have waived any and all pecuniary claims against the United States of America."

Being desirous of restoring the friendly relations existing between the two Nations prior to the outbreak of war:

Have for that purpose appointed their plenipotentiaries:

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THE PRESIDENT OF THE UNITED STATES OF AMERICA

ELLIS LORING DRESEL, Commissioner of the United States of America to Germany,

and

THE PRESIDENT OF THE GERMAN EMPIRE

DR. FRIEDRICH ROSEN, Minister for Foreign Affairs,

Who, having communicated their full powers, found to be in good and due form, have agreed as follows:

ARTICLE I.

Germany undertakes to accord to the United States, and the United States shall have and enjoy, all the rights, privileges, indemnities, reparations or advantages specified in the aforesaid Joint Resolution of the Congress of the United States of July 2, 1921, including all the rights and advantages stipulated for the benefit of the United States in the Treaty of Versailles which the United States shall fully enjoy notwithstanding the fact that such Treaty has not been ratified by the United States.

ARTICLE II.

With a view to defining more particularly the obligations of Germany under the foregoing Article with respect to certain provisions in the Treaty of Versailles, it is understood and agreed between the High Contracting Parties:

(1) That the rights and advantages stipulated in that Treaty for the benefit of the United States, which it is intended the United States shall have and enjoy, are those defined in Section 1, of Part IV, and Parts V, VI, VIII, IX, X, XI, XII, XIV, and XV.

The United States in availing itself of the rights and advantages stipulated in the provisions of that Treaty mentioned in this paragraph will do so in a manner consistent with the rights accorded to Germany under such provisions.

(2) That the United States shall not be bound by the provisions of Part I of that Treaty, nor by any provisions of that Treaty including those mentioned in Paragraph (1) of this Article, which relate to the Covenant of the League of Nations, nor shall the United States be bound by any action taken by the League of Nations, or by the Council or by the Assembly thereof, unless the United States shall expressly give its assent to such action.

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(3) That the United States assumes no obligations under or with respect to the provisions of Part II, Part III, Sections 2 to 8 inclusive of Part IV, and Part XIII of that Treaty.

(4) That, while the United States is privileged to participate in the Reparation Commission, according to the terms of Part VIII of that Treaty, and in any other Commission established under the Treaty or under any agreement supplemental thereto, the United States is not bound to participate in any such commission unless it shall elect to do so.

(5) That the periods of time to which reference is made in Article 440 of the Treaty of Versailles shall run, with respect to any act or election on the part of the United States, from the date of the coming into force of the present Treaty.

ARTICLE III.

The present Treaty shall be ratified in accordance with the constitutional forms of the High Contracting Parties and shall take effect immediately on the exchange of ratifications which shall take place as soon as possible at Berlin.

IN WITNESS WHEREOF, the respective plenipotentiaries have signed this Treaty and have hereunto affixed their seals.

Done in duplicate in Berlin this twenty-fifth day of August 1921.

[SEAL] ELLIS LORING DRESEL

[SEAL] ROSEN

Unlike other treaties of the United States, the treaty restoring friendly relations between the United States and Germany was published in three editions with differing content.

The first edition was issued in November 1921 as a 9-page pamphlet, the treaty being embodied in the proclamation of the President of November 14, 1921.

It was reissued with the addition of the instrument of ratification, dated October 21, 1921, reciting the understandings of the Senate in giving its advice and consent. This 10-page edition is reproduced in 42 Stat. 1939.

In September 1922 Treaty Series 658 was reissued, containing the treaty in that second form in a pamphlet running to 121 pages. The additional material consisted of those parts of the treaty of peace with Germany listed in article II (1) "which stipulated the rights and advantages which it is intended the United States shall have and enjoy". The part of the treaty of peace with Germany listed in article II (2),

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by the provisions of which "the United States shall not be bound", and those parts listed in article II (3) under which "the United States assumes no obligations", were not annexed. This edition is current.

The treaty of peace between the United States and Austria, signed at Vienna August 24, 1921 and in force November 8, 1921, was published in 9 pages as Treaty Series 659 as embodied in the proclamation of November 17, 1921. It was republished as a treaty establishing friendly relations in the current 113-page edition of Treaty Series 659, with the instrument of ratification of October 21, 1921 and parts V, VI, VIII, IX, X, XI, XII, and XIV of the Treaty of Saint-Germain-en-Laye concluded September 10, 1920. The reproduction in 42 Stat. 1946 includes the proclamation and instrument of ratification. The proclamation of this treaty recites that the war existing between the United States and the Imperial and Royal Austro-Hungarian Government since December 7, 1917 terminated on July 2, 1921.

The treaty establishing friendly relations between the United States and Hungary, signed at Budapest August 29, 1921 and in force December 17, 1921, was published in 5 pages as Treaty Series 660 as embodied in the proclamation of December 20, 1921 and with the instrument of ratification dated October 21, 1921. The proclamation made no reference to termination of the state of war declared against the Austro-Hungarian Government on December 7, 1917. In this form it was reproduced in 42 Stat. 1951. The second and current edition of Treaty Series 660 runs to 118 pages and contains parts V, VI, VIII, IX, X, XI, XII, and XIV of the Treaty of Trianon concluded June 4, 1920.

Germany and the Treaty of Peace

The German Government executed its obligations under the treaty at the outset as it found execution necessary or advisable. Much of the machinery of treaty execution became stabilized, and continuing operations took on an appearance of smoothness, which was enhanced by a tendency to introduce negotiating techniques in the relations involved. Moreover, many provisions of the treaty were either executed or given a new form by subsequent action. During the ascendancy of Gustav Stresemann as Chancellor (1924-29) a "policy of fulfilment" was proclaimed, which was not entirely abandoned until the accession of the National Socialists to power in 1933.

The form of the negotiations at Paris was not to the liking of the Germans. They received "Conditions of Peace" worked out by the victors and after being summoned to receive them handed in proposals

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for amendment, which were accepted or rejected in the preparation of the final text by the Allied and Associated Powers. In the note of June 23, 1919 the German peace delegation wrote: "Yielding to superior force, and without renouncing in the meantime its own view of the unheard-of injustice of the peace conditions, the Government of the German Republic declares that it is ready to accept and sign the peace conditions imposed". From that attitude, which was taken up by some sections of the German public, arose the idea of a "dictated peace", for years sedulously fostered by the National Socialists. Their policy was stated by the Foreign Minister in a speech at Danzig on October 24, 1939, in which he said (file 740.0011 European War 1939/1042) :

"Since January 30, 1933 the aim of Germany's foreign policy has been to abolish the Treaty of Versailles and its consequences. . . . As a matter of fact, in recent years the Führer has done nothing but remedy the most serious consequences which this most unreasonable of all dictates in history imposed upon a nation and, in fact, upon the whole of Europe, in other words, repair the worst mistakes committed by none other than the statesmen of the western democracies."

A semi-official publication of the National Socialist German Government, *Das Diktat von Versailles*, compiled by Fritz Berber and published in 1939, specifies those parts of the treaty of peace which, according to Nazi Germany, had been abrogated by negotiation or "legal means of another sort" as follows:

- Part III, sec. III, demilitarization of the left bank of the Rhine, by the memorandum of the German Government of March 7, 1936;
- Part III, sec. VI, relation with Austria, by the German law of March 13, 1938;
- Part V, disarmament of Germany, by the law concerning the Wehrmacht, March 16, 1935;
- Part VII, war crimes, "by the Lersner note" (file 763.72119/892) of February 3, 1920;
- Part VIII, art. 231, "the war-guilt lie", by the declaration of Adolf Hitler of January 30, 1937;
- Part VIII, reparation, by the unratified convention of Lausanne, July 2, 1932;
- Part X, economic provisions, by numerous liquidation conventions and restitution laws;
- Part XII, sec. II, waterways, by the note of November 15, 1936;
- Part XIV, guaranties, by the evacuation agreement of August 30, 1929.

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The International Military Tribunal, in its indictment of October 18, 1945 of twenty-four individuals and seven groups or organizations from the Reich Cabinet down, specified in two counts a common plan or conspiracy to commit crimes against peace, under article 6 (A) of its Charter, which reads:

“Crimes against peace. Namely, planning, preparation, initiation or waging of a war of aggression, or war in violation of international treaties, agreements, or assurances, or participation in a common plan or conspiracy for the accomplishment of any of the foregoing.”

Under Count One, (F) 2, the tribunal preferred six specific charges and in Appendix C, which cites particulars of violations of 26 treaties, conventions, and assurances, five additional violations of articles of the Treaty of Versailles are set forth (*Trial of War Criminals*, Department of State publication 2420, p. 83), as follows:

“(1) In that Germany did, on and after 7 March 1936, maintain and assemble armed forces and maintain and construct military fortifications in the demilitarized zone of the Rhineland in violation of the provisions of Articles 42 to 44 of the Treaty of Versailles.

“(2) In that Germany did, on or about 13 March 1938, annex Austria into the German Reich in violation of the provisions of Article 80 of the Treaty of Versailles.

“(3) In that Germany did, on or about 22 March 1939, incorporate the district of Memel into the German Reich in violation of the provisions of Article 99 of the Treaty of Versailles.

“(4) In that Germany did, on or about 1 September 1939, incorporate the Free City of Danzig into the German Reich in violation of the provisions of Article 100 of the Treaty of Versailles.

“(5) In that Germany did, on or about 16 March 1939, incorporate the provinces of Bohemia and Moravia, formerly part of Czechoslovakia, into the German Reich in violation of the provisions of Article 81 of the Treaty of Versailles.

“(6) In that Germany did, at various times in March 1935 and thereafter, repudiate various parts of Part V, Military, Naval and Air Clauses of the Treaty of Versailles, by creating an air force, by use of compulsory military service, by increasing the size of the army beyond treaty limits, and by increasing the size of the navy beyond treaty limits.”

STATUS OF THE TREATIES OF THE CONFERENCE

ANNEX

Status of the Treaties of the Conference

The Paris Peace Conference produced many treaties related to and in addition to the main treaties of peace. A list is here given of these instruments with relevant data concerning their validity and with notes giving the details of action by the United States with respect to each.

- Treaty of peace between the Allied and Associated Powers and Germany, signed at Versailles June 28, 1919; entered into force in accordance with the final clauses on January 10, 1920, 4:15 p.m. Submitted to the Senate by the President July 10, 1919 (S. Doc. 50, 66th Cong., 1st sess., serial 7608); the Senate failed to give its advice and consent to ratification on November 19, 1919 and March 19, 1920; by Senate resolution of March 19, 1920 it was "resolved, that the Secretary of the Senate be instructed to return to the President the Treaty of Peace with Germany . . . and respectfully inform the President that the Senate has failed to advise and consent to the ratification of the said treaty, being unable to obtain the constitutional majority therefor"; S. Doc. 49 (66th Cong., 1st sess., serial 7608); S. Doc. 50 (66th Cong., 1st sess., serial 7608); S. Doc. 51 (66th Cong., 1st sess., serial 7596); C. F. Redmond (ed.), *Treaties, Conventions, etc., between the United States of America and Other Powers, 1910-23*, III, 3329; Unperfected Treaties I-5.
- Protocol to the treaty of peace with Germany, signed at Versailles June 28, 1919; entered into force in accordance with the final clauses of the treaty of peace, January 10, 1920, 4:15 p.m. Submitted to the Senate by the President July 31, 1919; considered by the Senate Committee on Foreign Relations February 10, 1920; failed with the treaty; returned to the Secretary of State by Senate resolution of February 12, 1935; S. Doc. 66 (66th Cong., 1st sess., serial 7608); *Treaties, Conventions, etc., 1910-23*, III, 3522; Unperfected Treaties G-9 and I-5.
- Agreement between the United States and France to secure for the Republic of France the immediate aid of the United States in case of unprovoked aggression on the part of Germany, with mutual dependent agreement between the French Republic and the United Kingdom, signed at Versailles June 28, 1919; did not enter into force.

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Submitted to the Senate by the President July 29, 1919; not considered by the Senate; returned to the Secretary of State by Senate resolution of February 12, 1935; S. Doc. 63 (66 Cong., 1st sess., serial 7600); *Treaties, Conventions, etc.*, 1910-23, III, 3709; Unperfected Treaties H-9.

Agreement between the United States, Belgium, British Empire, and France and Germany with regard to the military occupation of the territories of the Rhine, signed at Versailles June 28, 1919; entered into force in accordance with the final clauses of the treaty of peace on January 10, 1920.

Submitted to the Senate by the President August 29, 1919; considered by the Senate Committee on Foreign Relations February 10, 1920; filed with the Department of State February 1, 1922; printed as S. Docs. 75 and 81 (66th Cong., 1st sess., serials 7600 and 7608); *Treaties, Conventions, etc.*, 1910-23, III, 3524; Unperfected Treaties M-5.

Treaty between the United States of America, the British Empire, France, Italy, and Japan and Poland, signed at Versailles June 28, 1919; entered into force in accordance with the final clauses of the treaty of peace on January 10, 1920.

Submitted to the Senate by the President August 29, 1919; not considered by the Senate; S. Doc. 82 (66th Cong., 1st sess., serial 7600); *Treaties, Conventions, etc.*, 1910-23, III, 3714; Unperfected Treaties J-5.

Treaty of peace between the Allied and Associated Powers and Austria, signed at Saint-Germain-en-Laye September 10, 1919; entered into force in accordance with the final clauses on July 16, 1920, 11 a.m.

Not submitted to the Senate by the President; the Conditions of Peace, submitted to Austria on June 2, published as S. Doc. 92 (66th Cong., 1st sess., serial 7604); not considered by the Senate; *Treaties, Conventions, etc.*, 1910-23, III, 3149; Unperfected Treaties O-9.

Protocol supplementary to treaty of peace with Austria, signed at Saint-Germain-en-Laye September 10, 1919; entered into force in accordance with the final clauses of the treaty of peace on July 16, 1920.

Not submitted to the Senate by the President; not considered by the Senate; *Treaties, Conventions, etc.*, 1910-23, III, 3295; Unperfected Treaties O-9.

Declaration regarding shipping losses supplementary to the treaty of peace with Austria, signed at Saint-Germain-en-Laye Sep-

STATUS OF THE TREATIES OF THE CONFERENCE

tember 10, 1919; entered into force in accordance with the final clauses of the treaty of peace on July 16, 1920.

Not submitted to the Senate by the President; not considered by the Senate; *Treaties, Conventions, etc.*, 1910-23, III, 3297; Unperfected Treaties O-9.

Special declaration on blockade of Hungary supplementary to the treaty of peace with Austria, signed at Saint-Germain-en-Laye September 10, 1919; entered into force in accordance with the final clauses of the treaty of peace on July 16, 1920.

Not submitted to the Senate by the President; not considered by the Senate; *Treaties, Conventions, etc.*, 1910-23, III, 3298; Unperfected Treaties O-9.

Protocol of signature of the treaty of peace with Austria and other treaty instruments, signed at Saint-Germain-en-Laye September 10, 1919; force exhausted September 13, 1919.

Submission to the Senate not necessary; 112 *British and Foreign State Papers*, p. 530; file 763.72119/9750.

Agreement concerning the contributions to the cost of the liberation of the territories of the former Austro-Hungarian Monarchy, signed at Saint-Germain-en-Laye September 10, 1919; entered into force with the treaty of peace with Austria on July 16, 1920.

Not submitted to the Senate by the President; not considered by the Senate; S. Doc. 7 (67th Cong., 1st sess., serial 7924), p. 16; *Treaties, Conventions, etc.*, 1910-23, III, 3299; Unperfected Treaties P-9.

Agreement with regard to the Italian reparation payments, signed at Saint-Germain-en-Laye September 10, 1919; entered into force with the treaty of peace with Austria July 16, 1920.

Not submitted to the Senate by the President; not considered by the Senate; S. Doc. 7 (67th Cong., 1st sess., serial 7924), p. 13; *Treaties, Conventions, etc.*, 1910-23, III, 3301; Unperfected Treaties R-9.

Treaty between the Principal Allied and Associated Powers and Czechoslovakia, signed at Saint-Germain-en-Laye September 10, 1919; entered into force July 16, 1920.

Not submitted to the Senate by the President; not considered by the Senate; *Treaties, Conventions, etc.*, 1910-23, III, 3699; Unperfected Treaties U-9.

Treaty between the Principal Allied and Associated Powers and the Serb-Croat-Slovene State, signed at Saint-Germain-en-Laye September 10, 1919; entered into force with the treaty of peace with Austria on July 16, 1920.

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- Not submitted to the Senate by the President; not considered by the Senate; S. Doc. 7 (67th Cong., 1st sess., serial 7924), p. 5; *Treaties, Conventions, etc.*, 1910-23, III, 3731; Unperfected Treaties X-9.
- Declaration of accession by the Serb-Croat-Slovene State to the treaty of peace with Austria, the treaty between the Principal Allied and Associated Powers and the Serb-Croat-Slovene State, and the agreements with regard to the Italian reparation payments and the contributions to the cost of liberation of the territories of the former Austro-Hungarian Empire, signed at Paris December 5, 1919; in force on entry into force of the respective instruments.
- Not submitted to the Senate by the President; not considered by the Senate; United Kingdom, Treaty Series 8 (1920); file 763.72119/9750.
- Convention revising the general act of Berlin of February 26, 1885 and the general act and declaration of Brussels of July 2, 1890, signed at Saint-Germain-en-Laye September 10, 1919; entered into force July 31, 1920.
- Submitted to the Senate by the President May 22, 1928; ratification advised by the Senate with an understanding April 3, 1930; ratified by the President subject to the understanding April 11, 1930; ratification of the United States deposited with the Government of the French Republic October 29, 1934; in effect for the United States on October 29, 1934; Treaty Series 877; 49 Stat. 3027; Edward J. Trenwith, *Treaties, Conventions, etc., between the United States of America and Other Powers*, 1923-37, IV, 4849.
- Convention relating to the liquor traffic in Africa, signed at Saint-Germain-en-Laye September 10, 1919; entered into force July 31, 1920.
- Submitted to the Senate by the President May 22, 1928; ratification advised by the Senate with reservation February 28, 1929; ratified by the President subject to the Senate reservation March 7, 1929; ratification of the United States deposited with the Government of the French Republic March 22, 1929; Treaty Series 779; 46 Stat. 2199; *Treaties, Conventions, etc.*, 1923-37, IV, 4856.
- Protocol to the convention relating to the liquor traffic in Africa, signed at Saint-Germain-en-Laye September 10, 1919; applicable until convention entered into force.
- Submission to the Senate not required; *Treaties, Conventions, etc.*, 1910-23, III, 3751.

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- Convention for the control of the trade in arms and ammunition, signed at Saint-Germain-en-Laye and Paris September 10, 1919; did not enter into force.
- Not submitted to the Senate by the President; S. Doc. 7 (67th Cong., 1st sess., serial 7924), p. 26; *Treaties, Conventions, etc.*, 1910-23, III, 3752; Unperfected Treaties Y-9.
- Protocol to the convention for the control of trade in arms and ammunition, signed at Saint-Germain-en-Laye September 10, 1919; did not enter into force.
- Not submitted to the Senate by the President; *Treaties, Conventions, etc.*, 1910-23, III, 3766; Unperfected Treaties Y-9; certified copy also filed in the National Archives with Treaty Series 779.
- Declaration concerning the canceling of article 61 of the German Constitution, signed by the German delegate to the peace conference in the presence of the representatives of the Principal Allied and Associated Powers at Versailles, September 22, 1919.
- Submission to the Senate not necessary; file 763.72119/7621.
- Declaration modifying the agreement of September 10, 1919 between the Allied and Associated Powers concerning the contributions to the cost of the liberation of the territories of the former Austro-Hungarian Monarchy, signed at Paris December 8, 1919; entered into force July 16, 1920.
- Not submitted to the Senate by the President; not considered by the Senate; *Treaties, Conventions, etc.*, 1910-23, III, 3303; Unperfected Treaties Q-9.
- Declaration modifying the agreement of September 10, 1919 between the Allied and Associated Powers with regard to the Italian reparation payments, signed at Paris December 8, 1919; entered into force July 16, 1920.
- Not submitted to the Senate by the President; not considered by the Senate; *Treaties, Conventions, etc.*, 1910-23, III, 3305; Unperfected Treaties S-9.
- Treaty between the Principal Allied and Associated Powers and Rumania, signed at Paris December 9, 1919; entered into force July 16, 1920.
- Not submitted to the Senate by the President; not considered by the Senate; S. Doc. 7 (67th Cong., 1st sess., serial 7924), p. 40; *Treaties, Conventions, etc.*, 1910-23, III, 3724; Unperfected Treaties W-9.
- Treaty of peace between the Allied and Associated Powers and Bulgaria, signed at Neuilly-sur-Seine November 27, 1919; entered into force in accordance with the final clauses August 9, 1920.

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- The United States Congress had not adopted a joint resolution declaring a state of war with Bulgaria; not submitted to the Senate by the President; not considered by the Senate; no "treaty restoring friendly relations" was made with Bulgaria; S. Doc. 7 (67th Cong., 1st sess., serial 7924), p. 47; Unperfected Treaties T-9.
- Protocol to the treaty of peace with Bulgaria, signed at Neuilly-sur-Seine November 27, 1919; entered into force August 9, 1920.
- Not submitted to the Senate by the President; not considered by the Senate; S. Doc. 7 (67 Cong., 1st sess., serial 7924), p. 162; Unperfected Treaties T-9.
- Protocol of signature to the treaty of peace with Bulgaria, signed at Neuilly-sur-Seine, November 27, 1919; force exhausted December 5, 1919.
- Submission to the Senate not necessary; file 763.72119/8167 and /11705.
- Treaty of peace between the Allied and Associated Powers and Hungary, signed at Trianon June 4, 1920; entered into force in accordance with the final clauses on July 26, 1921.
- Not submitted to the Senate by the President; not considered by the Senate; S. Doc. 7 (67th Cong., 1st sess., serial 7924), p. 163; *Treaties, Conventions, etc.*, 1910-23, III, 3539; Unperfected Treaties V-9.
- Protocol to the treaty of peace with Hungary, signed at Trianon June 4, 1920; entered into force July 26, 1921.
- Not submitted to the Senate by the President; not considered by the Senate; S. Doc. 7 (67th Cong., 1st sess., serial 7924), p. 318; *Treaties, Conventions, etc.*, 1910-23, III, 3696; Unperfected Treaties V-9.
- Declaration on shipping losses accompanying the treaty of peace with Hungary; signed at Trianon June 4, 1920; entered into force July 26, 1921.
- Not submitted to the Senate by the President; not considered by the Senate; S. Doc. 7 (67th Cong., 1st sess., serial 7924), p. 319; *Treaties, Conventions, etc.*, 1910-23, III, 3697; Unperfected Treaties V-9.
- Convention relating to the regulation of aerial navigation, opened for signature at Paris, October 13, 1919 - June 1, 1920; signed for the United States May 31, 1920; entered into force on July 11, 1922.
- Submitted to the Senate by the President June 16, 1926; withdrawn by the President by message of January 12, 1934; *Foreign Rela-*

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tions, 1926, I, 152; *Treaties, Conventions, etc.*, 1910-23, III, 3768; Unperfected Treaties T-8.

Additional protocol to the convention regulating aerial navigation, signed at Paris May 1, 1920; entered into force on July 16, 1922. Submitted to the Senate by the President June 16, 1926; withdrawn by the President by message of January 12, 1934; *Foreign Relations*, 1926, I, 166; Executive O, 69th Cong., 1st sess.; *Treaties, Conventions, etc.*, 1910-23, III, 3817; Unperfected Treaties T-8.

Protocol amending article 5 of the convention regulating aerial navigation, signed at London October 27, 1922; entered into force on December 14, 1926.

Submitted to the Senate by the President June 16, 1926; withdrawn by the President by message of January 12, 1934; *Foreign Relations*, 1926, I, 167; Executive O, 69th Cong., 1st sess.; Unperfected Treaties T-8.

Protocol amending article 34 of the convention, signed at London June 30, 1923; entered into force on December 14, 1926.

Submitted to the Senate by the President June 16, 1926; withdrawn by the President by message of January 12, 1934; *Foreign Relations*, 1926, I, 169; Executive O, 69th Cong., 1st sess.; Unperfected Treaties T-8.

Protocol relative to amendments to articles 3, 5, 7, 15, 34, 37, 41, 42, and the final clauses of the convention, signed at Paris January 15, 1929 and subsequently approved in draft with reservations by the United States representative sitting with the International Commission for Air Navigation; not in force.

Not submitted to the Senate by the President; International Commission for Air Navigation, *Official Bulletin*, 1929.

Treaty recognizing the sovereignty of Norway over Spitsbergen, signed at Paris February 9, 1920; entered into force August 14, 1925.

Submitted to the Senate by the President January 14, 1924; ratification advised by the Senate February 18, 1924; ratified by the President March 4, 1924; ratification deposited with the Government of the French Republic April 2, 1924; Treaty Series 686; 43 Stat. 1892; *Treaties, Conventions, etc.*, 1923-37, IV, 4861.

Treaty between the Principal Allied and Associated Powers and Poland, Rumania, the Serb-Croat-Slovene State, and the Czecho-Slovak State relative to certain frontiers of these states, signed at Sèvres August 10, 1920; did not enter into force.

Made in the name of the United States but not signed on its behalf; 113 *British and Foreign State Papers*, p. 866.

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160	120-21	66-67	104-05
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168	132	79	115
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191-92	140-41	86-87	124-25
197	143	88	127
198-202	144-48	89-93	128-32
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212	157	102	141
213	159	104	143
<i>Part VI</i>	<i>Part VI</i>	<i>Part V</i>	<i>Part VI</i>
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<i>Part VII</i>	<i>Part VII</i>	<i>Part VI</i>	<i>Part VII</i>
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237-39	183-85	167-69
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“ VII	VI		VI
<i>Part IX</i>	<i>Part IX</i>	<i>Part VIII</i>	<i>Part IX</i>
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250	199	136	182
251	200	135	183
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253	202	140	185
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298	250	178	233
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350-52	305-07	233-35	289-91
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376-79	328-31	245-48	311-14
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439	377	295	360
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German Observations on the Conditions of Peace

*The President of the German Peace Delegation to the
President of the Peace Conference*

May 29, 1919.

MR. PRESIDENT: I have the honour to transmit to you herewith the observations of the German Delegation on the draft Treaty of Peace. We came to Versailles in the expectation of receiving a peace proposal based on the agreed principles. We were firmly resolved to do everything in our power with a view to fulfilling the grave obligations which we had undertaken. We hoped for the peace of justice which had been promised to us. We were aghast when we read in that document the demands made upon us by the victorious violence of our enemies. The more deeply we penetrated into the spirit of this Treaty, the more convinced we became of the impossibility of carrying it out. The exactions of this Treaty are more than the German people can bear.

With a view to the re-establishment of the Polish State we must renounce indisputably German territory, nearly the whole of the province of West Prussia, which is preponderantly German, of Pomerania, Danzig, which is German to the core; we must let that ancient Hanse town be transformed into a free State under Polish suzerainty. We must agree that East Prussia shall be amputated from the body of the State, condemned to a lingering death, and robbed of its northern portion including Memel which is purely German. We must renounce Upper Silesia for the benefit of Poland and Czechoslovakia, although it has been in close political connexion with Germany for more than 750 years, is instinct with German life, and forms the very foundation of industrial life throughout East Germany.

Preponderantly German circles (*Kreise*) must be ceded to Belgium without sufficient guarantees that the plebiscite, which is only to take place afterwards, will be independent. The purely German district of the Saar must be detached from our Empire and the way must be paved for its subsequent annexation to France, although we owe her debts in coal only, not in men.

For fifteen years Rhenish territory must be occupied, and after those fifteen years the Allies have the power to refuse the restoration of the country; in the interval the Allies can take every measure to sever the economic and moral links with the mother country and finally to misrepresent the wishes of the indigenous population.

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Although the exaction of the cost of the war has been expressly renounced, yet Germany, thus cut in pieces and weakened, must declare herself ready in principle to bear all the war expenses of her enemies, which would exceed many times over the total amount of German State and private assets. Meanwhile her enemies demand in excess of the agreed conditions reparation for damage suffered by their civil population, and in this connexion Germany must also go bail for her allies. The sum to be paid is to be fixed by our enemies unilaterally and to admit of subsequent modification and increase. No limit is fixed save the capacity of the German people for payment, determined not by their standard of life but solely by their capacity to meet the demands of their enemies by their labour. The German people would thus be condemned to perpetual slave labour.

In spite of these exorbitant demands, the reconstruction of our economic life is at the same time rendered impossible. We must surrender our merchant fleet. We are to renounce all foreign securities. We are to hand over to our enemies our property in all German enterprises abroad, even in the countries of our allies. Even after the conclusion of peace the enemy States are to have the right of confiscating all German property. No German trader in their countries will be protected from these war measures. We must completely renounce our Colonies, and not even German missionaries shall have the right to follow their calling therein. We must thus renounce the realisation of all our aims in the spheres of politics, economics, and ideas.

Even in internal affairs we are to give up the right of self-determination. The International Reparation Commission receives dictatorial powers over the whole life of our people in economic and cultural matters. Its authority extends far beyond that which the Emperor, the German Federal Council and the Reichstag combined ever possessed within the territory of the Empire. This Commission has unlimited control over the economic life of the State, of communities and of individuals. Further, the entire educational and sanitary system depends on it. It can keep the whole German people in mental thralldom. In order to increase the payments due by the thrall, the Commission can hamper measures for the social protection of the German worker.

In other spheres also Germany's sovereignty is abolished. Her chief waterways are subjected to international administration; she must construct in her territory such canals and railways as her enemies wish; she must agree to treaties, the contents of which are unknown to her, to be concluded by her enemies with the new States on the east,

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even when they concern her own frontiers. The German people is excluded from the League of Nations to which is entrusted all work of common interest to the world.

Thus must a whole people sign the decree for its own proscription, nay, its own death sentence.

Germany knows that she must make sacrifices in order to attain peace. Germany knows that she has, by agreement, undertaken to make these sacrifices and will go in this matter to the utmost limits of her capacity.

1. Germany offers to proceed with her own disarmament in advance of all other peoples, in order to show that she will help to usher in the new era of the peace of Justice. She gives up universal compulsory service and reduces her army to 100,000 men except as regards temporary measures. She even renounces the warships which her enemies are still willing to leave in her hands. She stipulates, however, that she shall be admitted forthwith as a State with equal rights into the League of Nations. She stipulates that a genuine League of Nations shall come into being, embracing all peoples of goodwill, even her enemies of to-day. The League must be inspired by a feeling of responsibility towards mankind and have at its disposal a power to enforce its will sufficiently strong and trusty to protect the frontiers of its members.

2. In territorial questions Germany takes up her position unreservedly on the ground of the Wilson programme. She renounces her sovereign right in Alsace-Lorraine, but wishes a free plebiscite to take place there. She gives up the greater part of the province of Posen, the districts incontestably Polish in population together with the capital. She is prepared to grant to Poland, under international guarantees, free and secure access to the sea by ceding free ports at Danzig, Königsberg and Memel, by an agreement regulating the navigation of the Vistula and by special railway conventions. Germany is prepared to ensure the supply of coal for the economic needs of France, especially from the Saar region, until such time as the French mines are once more in working order. The preponderantly Danish districts of Sleswig will be given up to Denmark on the basis of a plebiscite. Germany demands that the right of self-determination shall also be respected where the interests of the Germans in Austria and Bohemia are concerned.

She is ready to subject all her colonies to administration by the community of the League of Nations if she is recognized as its mandatory.

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3. Germany is prepared to make payments incumbent on her in accordance with the agreed programme of peace up to a maximum sum of 100 milliards of gold marks,—20 milliards by May 1, 1926, and the balance (80 milliards) in annual payments without interest. These payments shall in principle be equal to a fixed percentage of the German Imperial and State revenues. The annual payment shall approximate to the former peace Budget. For the first ten years the annual payment shall not exceed one milliard of gold marks a year. The German taxpayer shall not be less heavily burdened than the taxpayer of the most heavily burdened State among those represented on the Reparation Commission.

Germany presumes in this connexion that she will not have to make any territorial sacrifices beyond those mentioned above and that she will recover her freedom of economic movement at home and abroad.

4. Germany is prepared to devote her entire economic strength to the service of reconstruction. She wishes to cooperate effectively in the reconstruction of the devastated regions of Belgium and Northern France. To make good the loss in production of the destroyed mines in Northern France, up to 20 million tons of coal will be delivered annually for the first five years and up to 8 million tons for the next five years. Germany will facilitate further deliveries of coal to France, Belgium, Italy and Luxemburg.

Germany is moreover prepared to make considerable deliveries of benzol, coal tar and sulphate of ammonia as well as dye-stuffs and medicines.

5. Finally, Germany offers to put her entire merchant tonnage into a pool of the world's shipping, to place at the disposal of her enemies a part of her freight space as part payment of reparation, and to build for them for a series of years in German yards an amount of tonnage exceeding their demands.

6. In order to replace the river boats destroyed in Belgium and Northern France, Germany offers river craft from her own resources.

7. Germany thinks that she sees an appropriate method for the prompt fulfillment of her obligation to make reparation, by conceding participation in industrial enterprises, especially in coal mines to ensure deliveries of coal.

8. Germany, in accordance with the desires of the workers of the whole world, wishes to see the workers in all countries free and enjoying equal rights. She wishes to ensure to them in the

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Treaty of Peace the right to take their own decisive part in the settlement of social policy and social protection.

9. The German Delegation again makes its demand for a neutral enquiry into the responsibility for the war and culpable acts in its conduct. An impartial Commission should have the right to investigate on its own responsibility the archives of all the belligerent countries and all the persons who took an important part in the war.

Nothing short of confidence that the question of guilt will be examined dispassionately can put the peoples lately at war with each other in the proper frame of mind for the formation of the League of Nations.

These are only the most important among the proposals which we have to make. As regards other great sacrifices and also as regards the details, the Delegation refers to the accompanying memorandum and the annex thereto.¹

The time allowed us for the preparation of this memorandum was so short that it was impossible to treat all the questions exhaustively. A fruitful and illuminating negotiation could only take place by means of oral discussion. This treaty of peace is to be the greatest achievement of its kind in all history. There is no precedent for the conduct of such comprehensive negotiations by an exchange of written notes only. The feeling of the peoples who have made such immense sacrifices makes them demand that their fate should be decided by an open, unreserved exchange of ideas on the principle: "Open covenants of peace openly arrived at, after which there shall be no private international understandings of any kind, but diplomacy shall proceed always frankly and in the public view."

Germany is to put her signature to the Treaty laid before her and to carry it out. Even in her need, Justice is for her too sacred a thing to allow her to stoop to accept conditions which she cannot undertake to carry out. Treaties of Peace signed by the Great Powers have, it is true, in the history of the last decades again and again proclaimed the right of the stronger. But each of these Treaties of Peace has been a factor in originating and prolonging the World War. Whenever in this war the victor has spoken to the vanquished, at Brest-Litovsk and Bucharest, his words were but the seeds of future discord.

¹ The memorandum and annex appear in *Foreign Relations, The Paris Peace Conference, 1919*, vi, 800.

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The lofty aims which our adversaries first set before themselves in their conduct of the war, the new era of an assured peace of justice, demand a Treaty instinct with a different spirit. Only the cooperation of all nations, a cooperation of hands and spirits can build up a durable peace. We are under no delusions regarding the strength of the hatred and bitterness which this war has engendered; and yet the forces which are at work for an union of mankind are stronger now than ever they were before. The historic task of the Peace Conference of Versailles is to bring about this union.

Accept, Mr. President, the expression of my distinguished consideration.

BROCKDORFF-RANTZAU

Reply of the Allied and Associated Powers to the Observations of the German Delegation on the Conditions of Peace, and Ultimatum

Letter to the President of the German Delegation, Covering the Reply of the Allied and Associated Powers

June 16, 1919.

SIR: The Allied and Associated Powers have given the most earnest consideration to the observations of the German Delegation on the Conditions of Peace. The reply protests against the peace both on the ground that it conflicts with the terms upon which the Armistice of November 11th, 1918 was signed, and that it is a peace of violence and not of justice. The protest of the German Delegation shows that they utterly fail to understand the position in which Germany stands to-day. They seem to think that Germany has only to "make sacrifices in order to attain peace", as if this were but the end of some mere struggle for territory and power.

I

The Allied and Associated Powers therefore feel it necessary to begin their reply by a clear statement of the judgment passed upon the war by practically the whole of civilised mankind.

In the view of the Allied and Associated Powers the war which began on August 1st, 1914, was the greatest crime against humanity and the freedom of peoples that any nation, calling itself civilised, has ever consciously committed. For many years the rulers of Germany, true to the Prussian tradition, strove for a position of dominance in Europe. They were not satisfied with that growing pros-

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perity and influence to which Germany was entitled, and which all other nations were willing to accord her, in the society of free and equal peoples. They required that they should be able to dictate and tyrannise to a subservient Europe, as they dictated and tyrannised over a subservient Germany.

In order to attain their ends they used every channel in their power through which to educate their own subjects in the doctrine that might was right in international affairs. They never ceased to expand German armaments by land and sea, and to propagate the falsehood that this was necessary because Germany's neighbours were jealous of her prosperity and power. They sought to sow hostility and suspicion instead of friendship between nations. They developed a system of espionage and intrigue which enabled them to stir up internal rebellion and unrest and even to make secret offensive preparations within the territory of their neighbours whereby they might, when the moment came, strike them down with greater certainty and ease. They kept Europe in a ferment by threats of violence and when they found that their neighbours were resolved to resist their arrogant will, they determined to assert their predominance in Europe by force. As soon as their preparations were complete, they encouraged a subservient ally to declare war against Serbia at 48 hours' notice, knowing full well that a conflict involving the control of the Balkans could not be localised and almost certainly meant a general war. In order to make doubly sure, they refused every attempt at conciliation and conference until it was too late, and the world war was inevitable for which they had plotted, and for which alone among the nations they were fully equipped and prepared.

Germany's responsibility, however, is not confined to having planned and started the war. She is no less responsible for the savage and inhuman manner in which it was conducted.

Though Germany was herself a guarantor of Belgium, the rulers of Germany violated, after a solemn promise to respect it, the neutrality of this unoffending people. Not content with this, they deliberately carried out a series of promiscuous shootings and burnings with the sole object of terrifying the inhabitants into submission by the very frightfulness of their action. They were the first to use poisonous gas, notwithstanding the appalling suffering it entailed. They began the bombing and long distance shelling of towns for no military object, but solely for the purpose of reducing the morale of their opponents by striking at their women and children. They commenced the submarine campaign with its piratical

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challenge to international law, and its destruction of great numbers of innocent passengers and sailors, in mid ocean, far from succour, at the mercy of the winds and the waves, and the yet more ruthless submarine crews. They drove thousands of men and women and children with brutal savagery into slavery in foreign lands. They allowed barbarities to be practised against their prisoners of war from which the most uncivilised people would have recoiled.

The conduct of Germany is almost unexampled in human history. The terrible responsibility which lies at her doors can be seen in the fact that not less than seven million dead lie buried in Europe, while more than twenty million others carry upon them the evidence of wounds and sufferings, because Germany saw fit to gratify her lust for tyranny by resort to war.

The Allied and Associated Powers believe that they will be false to those who have given their all to save the freedom of the world if they consent to treat this war on any other basis than as a crime against humanity and right.

This attitude of the Allied and Associated Powers was made perfectly clear to Germany during the war by their principal statesmen. It was defined by President Wilson in his speech of April 6, 1918, and explicitly and categorically accepted by the German people as a principle governing the peace :

“Let everything that we say, my fellow countrymen, everything that we henceforth plan and accomplish, ring true to this response till the majesty and might of our concerted power shall fill the thought and utterly defeat the force of those who flout and misprize what we honor and hold dear. Germany has once more said that force, and force alone, shall decide whether justice and peace shall reign in the affairs of men, whether Right as America conceives it or Dominion as she conceives it, shall determine the destinies of mankind. There is, therefore, but one response possible from us: Force, Force to the utmost, Force without stint or limit, righteous and triumphant Force which shall make Right the law of the world, and cast every selfish dominion down in the dust.”

It was set forth clearly in a speech of the Prime Minister of Great Britain, of 14th December 1917 :

“There is no security in any land without certainty of punishment. There is no protection for life, property or money in a State where the criminal is more powerful than the law. The law of nations is no exception, and, until it has been vindicated, the peace of

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the world will always be at the mercy of any nation whose professors have assiduously taught it to believe that no crime is wrong so long as it leads to the aggrandisement and enrichment of the country to which they owe allegiance. There have been many times in the history of the world criminal States. We are dealing with one of them now. And there will always be criminal States until the reward of international crime becomes too precarious to make it profitable, and the punishment of international crime becomes too sure to make it attractive."

It was made clear also in an address of M. Clemenceau, of September 1918:

"What do they (the French soldiers) want? What do we ourselves want? To fight, to fight victoriously and unceasingly, until the hour when the enemy shall understand that no compromise is possible between such crime and 'justice.' . . . We only seek peace, and we wish to make it just and permanent in order that future generations may be saved from the abominations of the past."

Similarly, Signor Orlando speaking on October 3rd, 1918, declared:

"We shall obtain Peace when our enemies recognise that humanity has the right and duty to safeguard itself against a continuation of such causes as have brought about this terrible slaughter; and that the blood of millions of men calls not for vengeance but for the realisation of those high ideals for which it has been so generously shed. Nobody thinks of employing—even by way of legitimate retaliation—methods of brutal violence or of overbearing domination or of suffocation of the freedom of any people—methods and policies which made the whole world rise against the Central Powers. But nobody will contend that the moral order can be restored simply because he who fails in his iniquitous endeavour declares that he has renounced his aim. Questions intimately affecting the peaceful life of Nations, once raised, must obtain the solution which Justice requires."

Justice, therefore, is the only possible basis for the settlement of the accounts of this terrible war. Justice is what the German Delegation asks for and says that Germany had been promised. Justice is what Germany shall have. But it must be justice for all. There must be justice for the dead and wounded and for those who have been orphaned and bereaved that Europe might be freed from Prussian despotism. There must be justice for the peoples who now

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stagger under war debts which exceed £30,000,000,000 that liberty might be saved. There must be justice for those millions whose homes and land, ships and property German savagery has spoliated and destroyed.

That is why the Allied and Associated Powers have insisted as a cardinal feature of the Treaty that Germany must undertake to make reparation to the very uttermost of her power; for reparation for wrongs inflicted is of the essence of justice. That is why they insist that those individuals who are most clearly responsible for German aggression and for those acts of barbarism and inhumanity which have disgraced the German conduct of the war, must be handed over to a justice which has not been meted out to them at home. That, too, is why Germany must submit for a few years to certain special disabilities and arrangements. Germany has ruined the industries, the mines and the machinery of neighbouring countries, not during battle, but with the deliberate and calculated purpose of enabling her industries to seize their markets before their industries could recover from the devastation thus wantonly inflicted upon them. Germany has despoiled her neighbours of everything she could make use of or carry away. Germany has destroyed the shipping of all nations on the high seas, where there was no chance of rescue for their passengers and crews. It is only justice that restitution should be made and that these wronged peoples should be safeguarded for a time from the competition of a nation whose industries are intact and have even been fortified by machinery stolen from occupied territories. If these things are hardships for Germany, they are hardships which Germany has brought upon herself. Somebody must suffer for the consequences of the war. Is it to be Germany, or only the peoples she has wronged?

Not to do justice to all concerned would only leave the world open to fresh calamities. If the German people themselves, or any other nation, are to be deterred from following the footsteps of Prussia, if mankind is to be lifted out of the belief that war for selfish ends is legitimate to any state, if the old era is to be left behind and nations as well as individuals are to be brought beneath the reign of law, even if there is to be early reconciliation and appeasement, it will be because those responsible for concluding the war have had the courage to see that justice is not deflected for the sake of convenient peace.

It is said that the German Revolution ought to make a difference and that the German people are not responsible for the policy of the rulers whom they have thrown from power.

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The Allied and Associated Powers recognize and welcome the change. It represents a great hope for peace, and for a new European order in the future. But it cannot affect the settlement of the war itself. The German Revolution was stayed until the German armies had been defeated in the field, and all hope of profiting by a war of conquest had vanished. Throughout the war, as before the war, the German people and their representatives supported the war, voted the credits, subscribed to the war loans, obeyed every order, however savage, of their government. They shared the responsibility for the policy of their government, for at any moment, had they willed it, they could have reversed it. Had that policy succeeded they would have acclaimed it with the same enthusiasm with which they welcomed the outbreak of the war. They cannot now pretend, having changed their rulers after the war was lost, that it is justice that they should escape the consequences of their deeds.

II

The Allied and Associated Powers therefore believe that the peace they have proposed is fundamentally a peace of justice. They are no less certain that it is a peace of right fulfilling the terms agreed upon at the time of the armistice. There can be no doubt as to the intentions of the Allied and Associated Powers to base the settlement of Europe on the principle of freeing oppressed peoples, and re-drawing national boundaries as far as possible in accordance with the will of the peoples concerned, while giving to each facilities for living an independent national and economic life. These intentions were made clear, not only in President Wilson's address to Congress of January 8, 1918, but in "the principles of settlement enunciated in his subsequent addresses", which were the agreed basis of the peace. A memorandum on this point is attached to this letter.¹

Accordingly the Allied and Associated Powers have provided for the reconstitution of Poland as an independent state with "free and secure access to the sea". All "territories inhabited by indubitably Polish populations" have been accorded to Poland. All territory inhabited by German majorities, save for a few isolated towns and for colonies established on land recently forcibly expropriated and situated in the midst of indubitably Polish territory, have been left to Germany. Wherever the will of the people is in doubt a plebiscite has been provided for. The town of Danzig is to be constituted a free city, so that the inhabitants will be autonomous and

¹ Memorandum appears in *Foreign Relations*, The Paris Peace Conference, 1919, VI, 935.

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not come under Polish rule and will form no part of the Polish state. Poland will be given certain economic rights in Danzig and the city itself has been severed from Germany because in no other way was it possible to provide for that "free and secure access to the sea" which Germany has promised to concede.

The German counter-proposals entirely conflict with the agreed basis of peace. They provide that great majorities of indisputably Polish population shall be kept under German rule. They deny secure access to the sea to a nation of over twenty million people, whose nationals are in the majority all the way to the coast, in order to maintain territorial connection between East and West Prussia, whose trade has always been mainly sea-borne. They cannot, therefore, be accepted by the Allied and Associated Powers. At the same time in certain cases the German Note has established a case for rectification, which will be made; and in view of the contention that Upper Silesia though inhabited by a two to one majority of Poles (1,250,000 to 650,000, 1910 German census) wishes to remain a part of Germany, they are willing that the question of whether Upper Silesia should form part of Germany, or of Poland, should be determined by the vote of the inhabitants themselves.

In regard to the Saar basin the regime proposed by the Allied and Associated Powers is to continue for fifteen years. This arrangement they considered necessary both to the general scheme for reparation, and in order that France may have immediate and certain compensation for the wanton destruction of her Northern coal mines. The district has been transferred not to French sovereignty, but to the control of the League of Nations. This method has the double advantage that it involves no annexation, while it gives possession of the coal field to France and maintains the economic unity of the district, so important to the interests of the inhabitants. At the end of fifteen years the mixed population, who in the meanwhile will have had control of its own local affairs under the governing supervision of the League of Nations, will have complete freedom to decide whether they wish union with Germany, union with France, or the continuance of the regime established by the Treaty.

As to the territories which it is proposed to transfer from Germany to Denmark and Belgium, some of these were forcibly seized by Prussia, and in every case the transfer will only take place as the result of a decision of the inhabitants themselves taken under conditions which will ensure complete freedom to vote.

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Finally, the Allied and Associated Powers are satisfied that the native inhabitants of the German colonies are strongly opposed to being again brought under Germany's sway, and the record of German rule, the traditions of the German Government and the use to which these colonies were put as bases from which to prey upon the commerce of the world, make it impossible for the Allied and Associated Powers to return them to Germany, or to entrust to her the responsibility for the training and education of their inhabitants.

For these reasons the Allied and Associated Powers are satisfied that their territorial proposals are in accord both with the agreed basis of peace and are necessary to the future peace of Europe. They are therefore not prepared to modify them except as indicated.

III

Arising out of the territorial settlement are the proposals in regard to international control of rivers. It is clearly in accord with the agreed basis of the peace and the established public law of Europe that inland states should have secure access to the sea along navigable rivers flowing through their territory. The Allied and Associated Powers believe that the arrangements which they propose are vital to the free life of the new inland states that are being established and that they are no derogation from the rights of the other riparian states. If viewed according to the discredited doctrine that every state is engaged in a desperate struggle for ascendancy over its neighbours, no doubt such an arrangement may be an impediment to the artificial strangling of a rival. But if it be the ideal that nations are to co-operate in the ways of commerce and peace, it is natural and right. The provisions for the presence of representatives of nonriparian States on these river commissions is security that the general interest will be considered. In the application of these principles some modifications have however been made in the original proposals.

IV

The German Delegation appear to have seriously misinterpreted the economic and financial conditions. There is no intention on the part of the Allied and Associated Powers to strangle Germany or to prevent her from taking her proper place in international trade and commerce. Provided that she abides by the Treaty of Peace and provided also that she abandons those aggressive and exclusive traditions which have been apparent no less in her business than in her political methods, the Allied and Associated Powers intend that

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Germany shall have fair treatment in the purchase of raw materials and the sale of goods, subject to those temporary provisions already mentioned in the interests of the nations ravaged and weakened by German action. It is their desire that the passions engendered by the war should die as soon as possible, and that all nations should share in the prosperity which comes from the honest supply of their mutual needs. They wish that Germany shall enjoy this prosperity like the rest, though much of the fruit of it must necessarily go for many years to come, in making reparation to her neighbours for the damage she has done. In order to make their intention clear, a number of modifications have been made in the financial and economic clauses of the Treaty. But the principles upon which the treaty is drawn must stand.

V

The German Delegation have greatly misinterpreted the Reparation proposals of the Treaty.

These proposals confine the amount payable by Germany to what is clearly justifiable under the terms of armistice in respect of damage caused to the civilian population of the Allies by German aggression. They do not provide for that interference in the internal life of Germany by the Reparation Commission which is alleged.

They are designed to make the payment of that reparation which Germany must pay as easy and convenient to both parties as possible and they will be interpreted in that sense. The Allied and Associated Powers therefore are not prepared to modify them.

But they recognise with the German Delegation, the advantage of arriving as soon as possible at the fixed and definite sum which shall be payable by Germany and accepted by the Allies. It is not possible to fix this sum to-day, for the extent of damage and the cost of repair has not yet been ascertained. They are therefore willing to accord to Germany all necessary and reasonable facilities to enable her to survey the devastated and damaged regions, and to make proposals thereafter within four months of the signing of the Treaty for a settlement of the claims under each of the categories of damage for which she is liable. If within the following two months an agreement can be reached, the exact liability of Germany will have been ascertained. If agreement has not been reached by then, the arrangement as provided in the Treaty will be executed.

VI

The Allied and Associated Powers have given careful consideration to the request of the German Delegation that Germany should at

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once be admitted to the League of Nations. They find themselves unable to accede to this request.

The German revolution was postponed to the last moments of the war and there is as yet no guarantee that it represents a permanent change.

In the present temper of international feeling, it is impossible to expect the free nations of the world to sit down immediately in equal association with those by whom they have been so grievously wronged. To attempt this too soon would delay and not hasten that process of appeasement which all desire.

But the Allied and Associated Powers believe that if the German people prove by their acts that they intend to fulfil the conditions of the peace, and that they have abandoned those aggressive and estranging policies which caused the war, and have now become a people with whom it is possible to live in neighbourly good fellowship, the memories of the past years will speedily fade, and it will be possible at an early date to complete the League of Nations by the admission of Germany thereto. It is their earnest hope that this may be the case. They believe that the prospects of the world depend upon the close and friendly co-operation of all nations in adjusting international questions and promoting the welfare and progress of mankind. But the early entry of Germany into the League must depend principally upon the action of the German people themselves.

VII

In the course of its discussion of their economic terms and elsewhere the German Delegation has repeated its denunciation of the blockade instituted by the Allied and Associated Powers.

Blockade is and always has been a legal and recognised method of war, and its operation has from time to time been adapted to changes in international communications.

If the Allied and Associated Powers have imposed upon Germany a blockade of exceptional severity which throughout they have consistently sought to conform to the principles of international law, it is because of the criminal character of the war initiated by Germany and of the barbarous methods adopted by her in prosecuting it.

The Allied and Associated Powers have not attempted to make a specific answer to all the assertions made in the German note. The fact that some observations have been passed over in silence does not indicate, however, that they are either admitted or open to discussion.

VIII

In conclusion the Allied and Associated Powers must make it clear that this letter and the memorandum attached constitute their last word.

They have examined the German observations and counter-proposals with earnest attention and care. They have, in consequence, made important practical concessions, but in its principles they stand by the Treaty.

They believe that it is not only a just settlement of the great war, but that it provides the basis upon which the peoples of Europe can live together in friendship and equality. At the same time it creates the machinery for the peaceful adjustment of all international problems by discussion and consent, whereby the settlement of 1919 itself can be modified from time to time to suit new facts and new conditions as they arise.

It is frankly not based upon a general condonation of the events of 1914-1918. It would not be a peace of justice if it were. But it represents a sincere and deliberate attempt to establish "that reign of law, based upon the consent of the governed, and sustained by the organised opinion of mankind" which was the agreed basis of the peace.

As such the Treaty in its present form must be accepted or rejected.

The Allied and Associated Powers therefore require a declaration from the German Delegation within five days from the date of this communication that they are prepared to sign the Treaty as it stands today.

If they declare within this period that they are prepared to sign the Treaty as it stands, arrangements will be made for the immediate signature of the Peace at Versailles.

In default of such a declaration, this communication constitutes the notification provided for in article 2 of the Convention of February 16th 1919 prolonging the Armistice which was signed on November 11th 1918 and has already been prolonged by the agreement of December 13th 1918 and January 16th 1919. The said armistice will then terminate, and the Allied and Associated Powers will take such steps as they think needful to enforce their Terms.

I have the honor, etc.

CLEMENCEAU