

# SENATORS QUESTION PRESIDENT ABOUT TREATY AT CONFERENCE

## President Agrees to Interpretations

Continued From Page One

dent said the action contemplated would rest entirely on a moral obligation. Replying to Senator Fall, who suggested that as Germany was not a member of the league of nations, amendments to the league covenant would not be submitted to her, and she would not have to give her consent, the President said:

"I will admit that that point had not occurred to me. No, she would not."

### Disagrees With Lansing

Mr. Wilson said he disagreed with the opinion given the committee by Secretary Lansing that Japan would have signed the treaty regardless of whether it contained the Shantung provision.

To a query as to what sovereignty Japan retained in Shantung the President replied:

"She has not retained sovereignty over anything. I mean she has promised not to. Senator Borah has asked whether this understanding was oral or otherwise. I do not like to describe the operation exactly if it is not perfectly correct. As a matter of fact this was technically oral, but literally written and formulated, and the formulation agreed upon."

When is the return to be made? asked Senator Johnson.

"That was left undecided, but we were assured at the time that it would be as soon as possible."

"Did not the Japanese decline to fix any date?"

"They did at that time, yes; but I think it is fair to them to say they could not at that time when it would be."

### Says Japan Won't be Master

Senator Johnson asked whether the economic privileges retained would not give Japan "a fair mastery" over the province. The President replied that while he did not feel qualified to judge, he would regard that as "an exaggeration view."

In answer to Senator Knox the President said he believed a league of nations would have prevented Japan from spreading her influence as she has over Manchuria and Korea.

Senator New thought Japan's promise "indefinite" and comparable to "England's occupation of Malta." The President declined to comment on the question, but added that Japan's agreement had been recorded in the daily press verbal kept by the council of four.

### Lodge Questions President

After the President had delivered his statement, Senator Lodge said:

"Mr. President, so far as I am personally concerned—and I think I represent perhaps the majority of the committee in that respect—we have no thought of entering upon arguments as to interpretations or points of character; but the committee was very desirous of getting information on certain points which seem not clear and on which they thought information would be of value to have in consideration of the treaty which they, I think I may say for myself and others, desire to hasten in every possible way."

"Your reference to the necessity of action leads me to ask one question. If we have to restore peace to the world, it is necessary, I assume, that there should be treaties with Austria, Hungary, Turkey and Bulgaria. Those treaties are all more or less connected with the treaty with Germany. The question I should like to ask is, what the prospects are of receiving those treaties for action?"

### German Treaty is Model

THE PRESIDENT—"I think it is very good, sir, and so far as I can judge from the contents of the dispatches from my colleagues on the other side of the water, the chief delay is due to the uncertainty as to what is going to happen to this treaty."

"This treaty is a model of the others. I saw enough of the others before I left Paris to know that they are being framed upon the same set of principles, and that the treaty with Germany is the model. I think that is the chief element of delay, sir."

SENATOR LODGE—"They are not regarded as essential to the consideration of this treaty?"

THE PRESIDENT—"They are not regarded as such; no, sir; they follow this treaty."

SENATOR LODGE—"I do not know about the other treaties, but the treaty with Poland, for example, has been completed?"

THE PRESIDENT—"Yes, and signed; but it is dependent upon this treaty. My thought was to submit it upon the action on this treaty."

Senator Lodge then asked whether the President could show the committee the tentative league-of-nations drafts submitted by Great Britain, France and Italy.

HASSEN BRITISH DRAFT

THE PRESIDENT—"I would have sent them to the committee with pleasure, senator, if I had found that I had them. I took them for granted that I in my lands remain there in a haphazard way. I can tell you the character of the other drafts."

"The British draft was the only one, as I remember, that was in the form of a definite constitution of a league. The French and Italian drafts were in the form of a series of propositions laying down general rules and assuming that the commission, or whatever body made the final formulations, would build upon those principles if they were adopted. They were principles quite consistent with the final action."

"I remember saying to the committee when I was here in March—I have forgotten the expression I used, but it was something to the effect that the British draft had constituted the basis. I thought afterward that that was misleading, and I am very glad to tell the committee just what I meant."

### Redrafted English Plan

"Some months before the conference assembled a plan for the league of nations had been drawn up by a British committee at the head of which was Mr. Phillimore—I believe the Mr. Phillimore who was known as the authority on international law. A copy of that document was sent to me and I built upon that a redraft."

"I will not now say whether I thought it was better or not an improvement; but I built on that a draft which was quite different, inasmuch as it put definiteness where there had been what seemed indefiniteness in the Phillimore suggestion."

"Then, between that time and the

## Time of the formation of the commission on the league of nations, I had the advantage of seeing a paper by General Smuts, of South Africa, who seemed to me to have done some very clear thinking, particularly with regard to what was to be done with the pieces of the dismembered empire.

### Took Smuts's Suggestions

"After I got to Paris, therefore, I reworked the document to which I have alluded, and you may have noticed that it consists of a series of articles and then supplementary agreements. It was in the supplementary agreements that I embodied the additional ideas that had come to me not only from General Smuts's paper, but from other discussions. That is the full story of how the plan which I sent to the committee was built up."

SENATOR LODGE—"Then, of course, it is obvious that the General Smuts's plan had been used. That appears on the face of the document."

THE PRESIDENT—"Yes, there were a great many drafts in addition to the one you have sent to us. You spoke of a redraft. That was not submitted to the committee."

THE PRESIDENT—"No; that was privately, my own."

SENATOR LODGE—"Was it before our commission?"

THE PRESIDENT—"No, it was not before our commission."

### Drafted Article 10

The President said a draft of Article 10, which Senator Johnson has just sent to the committee, was part of the draft which preceded the draft which was sent to you."

Senator Johnson said he had taken it from the Independent.

THE PRESIDENT—"I read it with the greatest interest, because I had forgotten to tell the truth, but I recognized it as soon as I read it."

SENATOR JOHNSON—"It was the original plan?"

THE PRESIDENT—"It was the original form of Article 10, yes."

Senator Lodge said he had been about to ask whether Article 10 in its present form had been in the British plan, but if there were no definite drafts of these plans, of course, the committee could not get them.

Asked by Senator Lodge whether he had seen the resolutions for a league submitted by Secretary Lansing, the President replied:

"Yes."

SENATOR LODGE—"No specific action was taken upon them?"

THE PRESIDENT—"Not in a formal way."

Senator Lodge then asked whether the United States would receive any part of the German reparations fund.

THE PRESIDENT—"I left that question open, Senator, because I did not feel that I had any final right to decide it."

### Wants No Reparation

"Upon the basis that was set up in the reparations clauses the portion that the United States would receive would be very small at best, and my own judgment was frequently expressed, not as a matter of clear and definite judgment, but as a judgment that we should claim nothing under those general clauses. I did that because I coveted the moral advantage that that would give us in the councils of the world."

SENATOR McCUMBER—"Did that mean we would claim nothing for the sinking of the Lusitania?"

THE PRESIDENT—"Oh, no. That did not cover questions of that sort at all."

The President added that pre-war claims were not covered by the reparations clause, and said the reparations commission would decide. He repeated that American participation in the reparations remained to be decided.

SENATOR LODGE—"By the commission?"

THE PRESIDENT—"By the commission."

Senator Lodge asked if there had been any communication by American naval authorities as to whether the United States should have one of the Ladrons, Caroline or Marshall Islands for naval purposes.

Never Heard of Yap

THE PRESIDENT—"There was a paper on that subject, senator, which has been published. I only partially remember it. It was a paper laying out the general necessities of our naval policy in the Pacific, and the necessity of having some base for communication upon those islands as mentioned, just in what form I do not remember. But let me say this: There is a little island which I must admit I had not heard of before."

SENATOR WILLIAMS—"The island of Yap?"

THE PRESIDENT—"Yap, it is one of the bases and centers of cable and radio communication on the Pacific, and I made the point that the disposition—or rather the control—of that island should be reserved for the general conference which is to be held in regard to the ownership and operation of the cables. The subject is mentioned and disposed of in this treaty, and that general cable conference is to be held."

SENATOR LODGE—"I had understood, or I had heard the report, that our general board of the Navy Department, our chief of operations, had recommended that we should have footing there, primarily in order to secure cable communication."

THE PRESIDENT—"I think you are right, sir."

### Brings Up Shantung Issue

Senator Lodge referred to the secret treaty between Great Britain and Japan regarding Shantung and said that in the correspondence relating to the treaty it was stated that Great Britain should have the German islands south of the equator and Japan these north of the equator.

SENATOR LODGE—"If it should seem necessary for the safety of communication for this country that we should have a cable station there, would that secret treaty interfere with it?"

THE PRESIDENT—"I think not, sir, in view of the stipulation that I made with regard to the question of construction by this cable convention. That note of the British ambassador (regarding the German islands) was a part of the diplomatic correspondence covering that subject."

SENATOR LODGE—"That was what I understood."

SENATOR MOSES—"Was the stipulation that that should be reserved for the consideration of the cable convention a formally signed protocol?"

THE PRESIDENT—"No, it was not a formally signed protocol, but we had a prolonged and interesting discussion on the subject, and nobody has

## any doubt as to what was agreed upon."

### Senator Lodge said that it seemed that the treaty "would give the five principal allied and associated powers the power to make such dispositions as they saw fit of those islands."

Senator Borah then asked who would pass on the question under the withdrawal clause of the league covenant, whether a nation had fulfilled its international obligations.

THE PRESIDENT—"Nobody."

SENATOR BORAH—"Does the council have anything to say about it?"

THE PRESIDENT—"Nothing whatever."

SENATOR BORAH—"Then if a country should give notice of withdrawal, it would be the sole judge of whether or not it had fulfilled its international obligations, its covenants to the league."

THE PRESIDENT—"This is as I understand it. The only restraining influence would be the public opinion of the world."

Senator Borah then asked whether, when notice had been given, the right to withdraw would be unconditional.

THE PRESIDENT—"Well, when the notice is given it is conditional on the face of the conscience of the withdrawing nation at the close of the two-year period."

### Withdrawal Unconditional

SENATOR BORAH—"Precisely, but it is unconditional so far as the legal right or the moral right is concerned."

THE PRESIDENT—"That is my interpretation."

SENATOR BORAH—"There is no moral obligation on the part of the United States to observe any suggestion made by the council."

THE PRESIDENT—"Oh, no."

SENATOR BORAH—"With reference to withdrawing?"

THE PRESIDENT—"There might be a moral obligation if that suggestion had weight, Senator, but there is no other obligation."

SENATOR BORAH—"Any moral obligation which the United States would feel would be one arising from its own sense of obligation?"

THE PRESIDENT—"Oh, certainly."

Senator Borah asked whether the suggestion that the council would pass on such an obligation was erroneous, and the President replied:

"Yes, certainly."

### Gives Commission's View

Senator Borah asked whether the President was expressing the view held by the commission which drafted the league.

THE PRESIDENT—"I am confident that that was the view. That view was not formulated, you understand, but I am confident that that was the view."

In reply to Senator McCumber, the President repeated that he felt it would be a mistake to embody interpretations in the resolutions of ratification, saying:

"We can interpret only a moral obligation. The legal obligation can be enforced by such machinery as there is to enforce it. We are therefore at liberty to interpret the sense in which we undertake a moral obligation."

Senator McCumber asked whether the other nations could not accept interpretations by the Senate "by acquiescence."

THE PRESIDENT—"My experience as a lawyer would not very long, but that experience would teach me that the language of a contract is always part of the debatable matter, and I can testify that in our discussions in the commission on the league of nations we did not discuss ideas half as much as we discussed philosophy."

### Reservations Mean Delay

The President said if reservations were embodied in the ratification "there would be to the either explicit arguing that the signing or the long enough time for us to know whether they (the other governments) were implicitly acquiescing or not."

SENATOR HARDING—"Mr. President, assuming that your construction of the withdrawal clause is the understanding of the formulating commission, why is the language making the proviso for the fulfillment of covenants put into the article?"

THE PRESIDENT—"Merely as an argument to the conscience of the nations. In other words, it is a notice to them on them that the time they withdraw they will have fulfilled their obligations."

Senator Harding said that if that were true the language seemed "rather a far-fetched provision."

Senator Pittman asked whether Germany put the same construction on articles of the treaty as did the allied governments.

THE PRESIDENT—"I have no means of knowing."

SENATOR PITTMAN—"Germany then has not expressed herself to the commission with regard to these moot questions?"

THE PRESIDENT—"I have no means of knowing."

No Expression By Germany

THE PRESIDENT—"No, we have no expression from Germany about the league except to be admitted to it."

The President acquiesced in a suggestion by Senator Pittman that any change would require resubmission to Germany.

SENATOR LODGE—"Mr. President, in that connection I take it there is no question whatever under international law and practice that an amendment to the text of the treaty must be submitted to every signatory, and must receive either their assent or their dissent."

"I had supposed it had been the general diplomatic practice with regard to reservations—which apply only to the reserving power and not to all the signatories, of course—that with regard to reservations it had been the general practice that silence was regarded as acquiescence; and acquiescence, that distinction between textual amendments which change the treaty for every signatory and a reservation which changes it only for the reserving power. In that I may be mistaken, however."

Opposed to Reservations

THE PRESIDENT—"There is some difference of opinion among the authorities, I am informed. I have not had time to look them up myself about that; but it is clear to me that in a treaty which involves so many signatories, a series of reservations—which would be undoubtedly—would very much obscure our confident opinion as to how the treaty was going to work."

SENATOR WILLIAMS—"Mr. President, suppose, for example, that we adopted a reservation, as the senator

## Why President Wants Speedy Ratification

Readjustment of our national life to normal conditions absolutely depends on it.

Miner, factories and business of the country require it.

Great Britain and other nations will get the jump on the United States in a trade war if ratification is delayed.

The so-called doubtful provisions mean exactly what the United States Senate wants them to mean.

interpretation, but in the very phraseology of the interpretation, because it would form a part of the contract."

SENATOR KNOX—"It might with us, because we have so much machinery for dealing with treaties, and in other countries where it is much more simple I should think it would not be."

### Discuss European Methods

A more or less general discussion of the method of dealing with treaties abroad followed at that point, after which Senator Fall suggested that observations to the league covenant could be met, so far as Germany was concerned, by her decision later on as to whether she would join the league.

THE PRESIDENT—"I differ with you there, senator. One of the reasons for putting the league in the treaty was that Germany was not going to be admitted to the league immediately, and we felt that it was very necessary that we should get her acknowledgment—acquiescence of the league as an international authority, partly because we were excluding her from the world of nations after having no ground for questioning such authority as the league might exercise under its covenants."

Germany Outside League

SENATOR FALL—"Germany is out of the league. Any amendment proposed by the other members of the league prior to her coming into the league would not be submitted to her, would it, she not being a member?"

THE PRESIDENT—"I will admit that that point had not occurred to me. No, she would not be."

SENATOR FALL—"Then so far as we are concerned we could make a recommendation in the nature of an amendment."

SENATOR HITCHCOCK—"Did I understand your first reply to Senator Fall to be that Germany under this treaty already had a relationship to the league by reason of its international character, and its participation in a number of questions that Germany was interested?"

THE PRESIDENT—"Yes."

SENATOR HITCHCOCK—"It has been before the time that it may apply for membership?"

THE PRESIDENT—"Yes."

Senator Borah quoted Article Eleven declaring "any war or threat of war," a matter of concern to the league and directing that "the league shall take such action as may be deemed wise and effectual to safeguard the peace of nations." He asked whether the President applied the interpretation of a moral obligation also to that article.

He replied his construction of Article Eleven was the same as for Article Ten.

SENATOR HARDING—"If there is nothing more than a moral obligation on the part of any member of the league, what avail Articles Ten and Eleven?"

### Round in Solemn Way

THE PRESIDENT—"Why, senator, it is surprising that that question should be asked. If we undertake an obligation we are bound in the most solemn way to carry it out."

SENATOR HARDING—"Is it a moral obligation? The point I am trying to get at is, suppose something happens affecting the peace of the world, and the council takes steps as provided here to conserve or preserve, and announces its decision, and every nation in the league takes advantage of the construction that you place upon those articles and says 'well this is only a moral obligation and we assume that the nation involved does not deserve our participation or protection,' and the whole thing amounts to nothing but an extension of the league council."

THE PRESIDENT—"There is a national good conscience in such a matter. I am sure that that is one of the most serious things that could possibly happen. My understanding, when I speak of a legal obligation, I mean one that specifically binds you to do a particular thing under certain sanctions. That is a legal obligation."

"Now a moral obligation is of course, superior to a legal obligation, and if I may say so, has a greater binding force. In every moral obligation there is an element of judgment; in a legal obligation there is no element of judgment."

### Moral Obligation Stronger

SENATOR JOHNSON—"But, Mr. President, when the moral obligation is undoubted it will ineluctably move more readily than a legal obligation."

THE PRESIDENT—"If it is undoubted, yes; but that involves the circumstances of the particular case."

The President thought a moral obligation, less likely to involve the country in armed participation in trifling matters.

SENATOR HARDING—"Suppose the allotted territory which comes under the control of Italy should in some way be assailed from the Balkan states and the council of the league should immediately look upon that as a threat of war involving other nations, and should say that the nations of the league

should immediately contribute an armed force to stop that war or to bring the attacking nations to terms; would we be a perfidious people, if I may use that term, would we violate our obligation, if we failed to participate in the defense of Italy?"

THE PRESIDENT—"We would be our own judges as to whether we were obliged in those circumstances to act in that way or not."

SENATOR HITCHCOCK—"In such a case the council would only act unanimously and our representative on the council, of course, would have to concur in any advice given."

### Up to Congress

The senators got into a discussion over whether Congress would decide what course the United States would take, Senator Hitchcock suggesting that after the American representatives on the council had concurred in the council's recommendation "it would then be up to Congress to decide."

THE PRESIDENT—"You are quite right. The men who were discussing these very important matters were all the time aware that it would depend upon the approving or disapproving state of opinion of their countries how their representatives in the council would vote in matters of this sort."

"It is inconceivable to me that, unless the opinion of the United States, the moral and practical judgments of the people of the United States approved, the representatives of the United States on the council should vote any such advice as would lead us into war."

Replying to Senator Borah, the President said the defensive treaty with France rested on the same basis as an amendment.

### Council's Decision Not Final

Senator Pittman suggested that even if the council unanimously advised, it was still "up to Congress either to accept or reject that advice."

To this the President gave his assent.

Senator Johnson, reverting to the example of aggression on Italy, asked whether "that compelling moral obligation would require us to use such means as would seem appropriate, either economic or moral?" "Is that not correct?" he asked.

THE PRESIDENT—"Deemed appropriate for the purpose of defeating or frustrating the aggression."

SENATOR JOHNSON—"Deemed appropriate for the purpose of defeating or frustrating the aggression."

THE PRESIDENT—"Deemed by us appropriate."

Senator Borah asked if Great Britain and France insisted upon maintaining at the Peace Conference the secret treaties with Japan regarding Shantung.

THE PRESIDENT—"I will put it in this way: They felt that they were bound by them. But when they involved general interests, such as they realized were involved, they were quite willing, and indeed, I think, desirous, that they should be reconsidered with consent, so far as they were concerned, of the other parties."

THE PRESIDENT—"I will put it in this way: They felt that they were bound by them. But when they involved general interests, such as they realized were involved, they were quite willing, and indeed, I think, desirous, that they should be reconsidered with consent, so far as they were concerned, of the other parties."

## Compelling Obligation to Fight

THE PRESIDENT—"No, sir; but we should be under an absolutely compelling moral obligation."

In reply to Senator Williams, the President said again that the applicability of the principles contemplated in the covenant would rest entirely on national decision.

Senator Knox referred to the White House statement of May 20, which, he said, had quoted the President as saying that the French defensive treaty would merely bind the United States to do immediately what she would otherwise be bound to do under the league covenant.

THE PRESIDENT—"I did not use the word 'bound' but, 'morally bound.' Let me say that you are repeating what I said to the other representatives. It would have to be concluded that it was an unprovoked movement of aggression and that it once acquiesced in that."

### Differ Only on Form

Discussing further the question of reservations with Senator McCumber, the President said:

"We differ only as to the form of action. I think it would be a very serious practical mistake to put it in the resolution of ratification; but I do hope that we are at liberty, contemporaneously with our acceptance of the treaty, to interpret our moral obligation under that article."

SENATOR KNOX—"Mr. President, is it not true that such matters are ordinarily covered by a mere exchange of notes between powers, stating that they understand in this or that sense, or do not so understand?"

THE PRESIDENT—"Yes, sir; ordinarily."

SENATOR KNOX—"That would be a matter that would require very little time to communicate it if these constructions have already been placed upon it in their conversations with you."

THE PRESIDENT—"But an exchange of notes is quite a different matter from having it embodied in the resolution of ratification."

SENATOR KNOX—"If we embody in our resolution of ratification a statement that we understand something else in a particular sense, and this government, through its foreign department, transfers the proposed form of ratification to the chancellors of the other nations that are concerned in this treaty, and if these interpretations are the same as you have agreed upon with them in your conversations, I do not see how we would need anything more than a mere reply to that effect."

### Would Require Confirmation

THE PRESIDENT—"It would need confirmation."

SENATOR KNOX—"Yes, it would need confirmation in that sense."

THE PRESIDENT—"My judgment is that the embodying of that in the terms of the resolution of ratification would be acquiescence not only in the

## should immediately contribute an armed force to stop that war or to bring the attacking nations to terms; would we be a perfidious people, if I may use that term, would we violate our obligation, if we failed to participate in the defense of Italy?"

THE PRESIDENT—"We would be our own judges as to whether we were obliged in those circumstances to act in that way or not."

SENATOR HITCHCOCK—"In such a case the council would only act unanimously and our representative on the council, of course, would have to concur in any advice given."

### Up to Congress

The senators got into a discussion over whether Congress would decide what course the United States would take, Senator Hitchcock suggesting that after the American representatives on the council had concurred in the council's recommendation "it would then be up to Congress to decide."