

GERMANY AND THE TREATY TERMS

Brockdorff's Long Effort to Modify the Treaty by Means of Notes and Counterproposals

[PERIOD ENDED JUNE 20, 1919]

COUNT BROCKDORFF-RANTZAU, head of the German Peace Mission, who had left Versailles for Spa on May 17, returned on the 19th. He was accompanied by Herr Landsberg and Herr Giesberts, who had been to Berlin for consultation with the Government. With the plenipotentiaries were General von Secht and about forty other military and naval experts. Throughout the next four weeks the world's attention was centred upon the desperate efforts of Brockdorff and his fellow-delegates to induce the Council of Four to modify the stringent peace terms that had been handed to them on May 7. As oral discussion had been barred, the Germans continued submitting notes of protest and counterargument until May 29, when they finally produced an elaborate set of counterproposals, a document of some 60,000 words. To this the Council of Five on June 16 made an almost equally extended reply, chapter for chapter; it was in effect an ultimatum calling for Germany's final acceptance or refusal on or before Monday, June 23. It offered a number of concessions, but none of vital import.

During the seven-day interval that followed, while the German Government and National Assembly were in agitated discussion as to whether to sign or refuse to sign, the armies of occupation made all necessary preparations to invade the interior of Germany in case of refusal, and the civilized world waited for the outcome calmly but with intense interest. The German National Assembly, which was in continuous session at Weimar, received the allied ultimatum on June 18. The Cabinet discussed the terms continuously, but up to the 20th (at the hour of going to press) the decision was not known. Meanwhile Ger-

many was stirred as never before over the question of accepting or rejecting the terms, and no one could safely predict the outcome.

On the day of his return to Versailles Count von Brockdorff-Rantzau called the Presidents of the different commissions together to lay before them the instructions he had received at Spa. He also issued instructions for the drafting of a bulletin to be submitted to Berlin for approval. A special edition of the daily press report for Berlin was being published for the Germans at Versailles; all the articles for this official report were being written by the German correspondents under the direction of Brockdorff himself.

On May 20 the German delegation sent a note to the Secretariat of the Peace Conference, the tenth communication of the kind, requesting an extension of time, on the ground that the discussion of all the aspects of the treaty could not be completed by May 21, the date officially set for the German reply. The note was as follows:

Versailles, May 20.

To His Excellency the President of the Peace Conference, M. Clemenceau:

Sir: The German Peace Delegation intends during the next few days to submit communications to the allied and associated Governments on the following points, which, in the eyes of the delegation, fall under the definition of suggestions of a practical nature:

First—A note concerning territorial questions in the East; second, a note concerning Alsace-Lorraine; third, a note concerning the occupied territories; fourth, a note concerning the extent and discharge of the obligation undertaken by Germany in view of reparation; fifth, a note concerning the further practical treatment of the question of labor laws; sixth, a note concerning the treatment of German private property in enemy countries.

Besides this, a syllabus is being pre-

pared of the observations which are called for from the German Government by the draft of the treaty of peace in its detailed provisions. The problems hereby involved being in part of a very complicated nature, and it having been necessary to discuss them extensively with the experts in Versailles, as well as with those in Berlin, it will not be possible to dispose of them within the time limit of fifteen days notified by your Excellency on the 7th instant, although the delega-

tion will take pains to transmit as many notes as possible within the limit.

Having regard to this, I beg, in the name of the German peace delegation, to move that the contents of the intended notes be regarded as having already been made the subject of discussion in writing, and that the requisite time be granted to us for a more detailed exposition.

Accept, Sir, the assurance of my highest esteem,

BROCKDORFF-RANTZAU.

Allies Extend Time

To this note M. Clemenceau replied as follows:

May 20, 1919.

Sir: I beg to acknowledge the receipt of your letter of May 20, stating that the subjects on which the German delegation wishes to offer suggestions are so complicated that the memoranda of the German delegation cannot be completed within the fifteen days granted on the 7th instant and asking, in consequence, for an extension of the time limit.

In reply, I beg to inform your Excellency that the allied and associated Governments are willing to grant an extension until Thursday, May 29.

Count von Brockdorff-Rantzau had asked permission for a special train to bring to Versailles printing presses and a force of workmen to hasten the preparation of the German reply. On May 20 a request that a German delegation of four be granted passports to proceed to Holland to arrange for food supplies for Germany was granted. At this date Herr Schwartz, the Saxon Minister of Agriculture, severed his connection with the German peace delegation, and on his return to Dresden issued a statement censuring the Peace Conference severely.

It developed about this time that the German delegation had summoned from Berlin for a consultation Karl Kautsky, the Independent Socialist leader. Herr Pauli of the German Foreign Office, head of the German General Electric Company, and other experts had also been called.

had just come from a meeting of the German Cabinet at Berlin. They had come to decide on the final wording of the counterproposals. Chancellor Scheidemann, backed in Berlin by Bernstorff and Erzberger, who had most to do with drawing up the reply and the numerous notes, but whose work Brockdorff-Rantzau thought fit to edit and amplify, and backed mainly by Landsberg in Versailles, acted vigorously in bringing about the Spa conference. These moderates, being in the majority, took a firm grasp on the situation, which was threatening to become chaotic. The whole cumbersome reply was taken to pieces and the lines of a much more moderate and concise reply were finally laid down. The conference at Spa sat almost continually for six hours, and at last reached unity. Brockdorff returned to Versailles on the 24th. Professor Weber and Herr Dietrich, members of the delegation, left for Berlin the following day. They had given their approval to the reply that was to be made to the Allies on the provisions of the treaty dealing with the demand for the punishment of the former Kaiser and financial arrangements.

The German counterproposals were completed on May 27, and the printing plant sent to Spa on a train from Germany worked all night in printing them. A typewritten copy was carried to Berlin for delivery to the German Government by the private secretary of Count von Brockdorff-Rantzau.

CONSULTATION AT SPA

On May 22, the German delegation met at Spa for a consultation.

Secretariat of the Peace Conference on May 29. [A full summary of these counterproposals will be found on Pages 18-28.] The bulky document was in German, and there were only three copies of it in the hands of the Allies. Twenty interpreters were set to work at once to translate it into English and French. When completed it filled 146 typewritten pages and bore the title "Observations of the German Delegation on the Conditions of Peace." It was published in Berlin on May 28.

One of the first results of the German proposals was to cause Premier Lloyd George to call the whole British Cabinet to Paris on June 1 for the purpose of considering the advisability of modifying the peace terms to Germany. It was understood that his main object was to ascertain the character and strength of Liberal Party sentiment on the subject. Sessions of the Cabinet were held daily, and it became apparent that British Liberal sentiment corresponded closely to that prevailing in the American Peace Commission.

Considerable progress was made in drafting the reply to the German counterproposals by June 5, when it became apparent that the contemplated modification of the terms would involve few changes, and those of a nonfundamental nature. On the same date Premier Paderewski appeared twice before the Council of Four to protest against a proposed plebiscite in Upper Silesia and against suggested changes in the Polish western frontier of strategic importance. Other arguments against the allocation of Upper Silesia to Germany were also presented. By June 11 the reply was completed, and the Council of Five (Baron Makino, representing Japan, had previously been admitted to the council) were busily engaged in editing the revised version of the terms of peace.

REVISED TREATY DELIVERED

On Monday, June 16, this revised version of the peace terms granted Germany, together with a covering letter, was delivered to representatives of the German peace delegation at 6:49 P. M., in the reading room of the Hotel des Réservoirs, the German headquarters, by

Paul Dutasta, General Secretary of the Peace Conference. It was received by Secretary Simon and Baron von Loersner of the German delegation, with whom M. Dutasta held a conversation explaining the nature of the document and the time allotted for reply. The original time limit was five days. Herr Simon protested at the shortness of the period, explaining that it would take two days to go and two to return, thus leaving only one day for considering the terms.

M. Dutasta was impressed and returned to Paris by automobile at the rate of seventy miles an hour, and laid the case before Premier Clemenceau. The latter communicated with President Wilson and Premier Lloyd George by telephone, and it was arranged to extend the time two days. M. Dutasta returned to Versailles at a seventy-mile gait and informed the German delegates of the extension just as they were taking their special train for Weimar. The time limitation of the Allies' ultimatum ran to Monday evening, June 23.

Because of pressure of time the final draft of revised terms handed to the Germans was in the form of a copy of the original draft of May 7 with the changes written on the margins in red ink. With this corrected copy the German plenipotentiaries received twenty-nine other copies to which they were to transfer the red-ink changes.

A final meeting of the Council of Five was held the same day. It was attended by Marshal Foch, General Bliss, and other military leaders, who discussed various phases of last-hour moves and possibilities in the German situation.

On the evening of June 16 Count von Brockdorff-Rantzau, with other members of the German peace delegation, left Versailles for Germany, bearing the revised version of the Peace Treaty. In a hostile French demonstration that occurred on their departure, Herr Theodor Melchior, head of the French Finance Commission, and Frau Dorlblush, one of the secretaries to the delegation, were struck on the head by stones. On hearing of the occurrence Premier Clemenceau at once sent a letter to the head of the German delegation, expressing deep regret for this "reprehensible act," which was

contrary to the law of the Seine and Oise. The Police Commissioners were dismissed from office.

NOTE EXCHANGE CONTINUES

The reply of the Council of Four to the German note of May 10 on the repatriation of prisoners of war was delivered on May 22. This indicated that the Allies differentiated between ordinary prisoners and those guilty of crime, and that the latter would be held and punished. The letter of von Brockdorff-Rantzau to M. Clemenceau read as follows:

German Peace Delegation.

Versailles, May 10, 1919.

Sir: The German delegation has noted with satisfaction that the draft treaty handed to it recognizes the principle that the repatriation of German prisoners of war and German interned civilians is to be effected with the greatest possible rapidity.

It is in accordance with the opinion of the German peace delegation that the task of settling the details of the execution of that repatriation should be intrusted to a special commission. Direct conversations between the commissions of nearly all of the belligerent States in regard to prisoners have been shown to be the best means of solving the difficulties, and it ought to be all the easier at the present moment to clear up by early discussion in a commission any divergences of view or doubts in regard to certain points.

The German peace delegation, bearing in mind the difference of jurisdiction in the various countries concerned, is of the opinion, for instance, that it is indispensable for prisoners of war and interned civilians who have been detained for offenses other than those against discipline to be repatriated unconditionally. Germany recognized this same principle as regards the prisoners of war and interned civilians of the allied and associated powers detained in Germany.

In the view of the German peace delegation, certain alleviations should, as a matter of course and for reasons of equity, be agreed to in favor of prisoners of war and interned civilians for the period which will elapse until their final departure.

The German peace delegation has, moreover, been compelled to note that the arrangements contemplated are favorable only to the allied and associated governments, for instance, so far as concerns the restoration of private property, the search for persons who have disappeared and the care to be taken of graves. The German peace delegation presumes that, for questions such as these, complete reciprocity may be required for general reasons of humanity.

Because of the great technical difficulty of repatriating prisoners of war and interned civilians, especially in view of the shortage

of tonnage and the lack of coal, the greatest importance should be attached to finding a solution of all preliminary questions before the dispatch of the repatriated prisoners and interned civilians actually begins. For that reason the German peace delegation proposes that the commission should start its deliberations forthwith separately from all other questions.

The explanation of this proposal lies, firstly, in the fact that there are thousands of German prisoners of war and interned civilians in overseas countries, but the German delegation is likewise thinking of the Germans who are in Siberia, and whose dispatch seems to be a question not only of special urgency, but of extraordinary difficulty.

The German delegation for reasons of internal policy regards it of the utmost importance that the German prisoners of war and interned civilians should be returned to their homes in as normal a condition as possible, in order that they might there be brought back as rapidly as possible into the economic life of the country. That only appears possible—the precise settlement of transport problems apart—if everything possible is done to improve the mental and physical state of those who are returning home.

Having regard to the present situation in respect of economic existence in Germany it must be admitted that Germany is unable to do with her own resources everything required in order to secure that end. This refers especially to food and clothing. Therefore the German delegation thinks it desirable that the deliberations of the commission should likewise include an examination of the question of the manner in which the allied and associated governments might assist Germany in the solution of these problems.

The question arises, for instance, of supplying against repayment complete sets of clothing, underclothing, and civilian clothing and footwear for the prisoners before their dispatch.

I avail myself, &c.,

BROCKDORFF-RANTZAU.

The reply of the Council of the Allies was as follows:

Paris, May 22, 1919.

Sir: The representatives of the allied and associated powers have given consideration to the repatriation of the German prisoners of war. In reply, they wish to state that they cannot agree that prisoners of war and civilian prisoners who have been guilty of crimes and offenses should be released. These crimes and penal offenses have been committed on allied soil and have been dealt with by the legally constituted authorities without reference to the fact that the wrongdoer was a German rather than an allied citizen.

For instance, a certain German prisoner

broke at night into the house of a farmer, on whose estate he was set to work, and murdered the farmer and his wife in cold blood with a billhook. For this double murder the said prisoner was sentenced to death on June 11, 1918, by a regularly constituted court-martial.

Under the Berne Convention, however, the execution of the sentence is suspended until peace is signed. Justice would certainly not be satisfied if, as a consequence of the treaty, this murderer was reprieved.

For these reasons the allied and associated powers cannot agree to alter the provisions of the draft treaty in respect to prisoners of war who have been guilty of crimes or penal offenses.

In regard to the second question, the German peace delegation makes no specific suggestions as to the alleviation which they would propose for the prisoners of war and interned civilians between the date of the signing of peace and their repatriation. The allied and associated powers are not aware of what alleviation it is possible to make, seeing that they have scrupulously endeavored to observe both the laws of war and the dictates of humanity in the treatment which they have given to prisoners of war, and that, as provided in the last section of Article 218, it is essential that prisoners of war and interned civilians should remain subject to discipline and control pending their repatriation, in the interests of all concerned.

The German peace delegation may rest assured that it is the intention of the allied and associated Governments to treat their prisoners of war during the period between the signing of peace and their repatriation with full consideration of their feelings and needs.

The restitution of personal property to prisoners of war constitutes a legal right which the allied and associated powers have every intention of respecting. As regards information about the missing, the allied and associated powers have always endeavored to supply the German Government with all

information in their possession on this subject, and they will certainly continue to do so after peace is signed.

Concerning the care of graves, they would point out that Articles 225 and 226 would appear to assure to the German people that the graves of their fellow-citizens shall be both respected and properly maintained, and that so far as is practicable under Clause 225, the bodies of their soldiers and sailors may be transferred to their own country.

In regard to the German request for complete reciprocity, the representatives of the allied and associated powers have to state that they felt it necessary to include Article 222, in view of the treatment which their own nationals have received while interned in Germany during the war. As there was no parallel between the treatment which was accorded to prisoners of war by the German Government on the one side and the allied and associated powers on the other, no claim for reciprocity in this respect can arise.

In regard to the third question, the representatives of the allied and associated powers are ready to do everything possible to repatriate German prisoners of war and interned civilians, properly fed and in good condition, after the conclusion of peace. They regret, however, that the present demands on them from the territories recently liberated from the German yoke, as well as from their own nationals, will probably make it impossible for them to supply the prisoners of war with clothing, &c., for which the German delegation asks.

Finally, in regard to the appointment of a commission to deal with the repatriation of prisoners of war, the representatives of the allied and associated powers will be glad to set up such commissions immediately upon the signature of peace. They regret, however, that they do not see their way to appoint them until they are notified of the intention of the plenipotentiaries of the German Empire to sign peace.

I avail myself, &c.,

G. CLEMENCEAU.

Note on Reparation

It is too late for Germany to seek to deny both the aggression in the war and her responsibility for it. This declaration was made by Premier Clemenceau, as President of the Peace Conference, in replying to the German note on reparation, the text of which, with the reply, was made public on May 20.

The argument put forth by Count von Brockdorff-Rantzau was that Germany did not start a war of aggression, that the German people were convinced they fought a defensive war, and that the

present German Government could not be held responsible for "faults" of the former German Government.

Premier Clemenceau took up the points made by the German delegation and declared that the German Government last November made no protest against the charge in a note of Secretary Lansing that Germany was the aggressor. The President of the conference pointed out further that Germany made the French Government of 1871, and the Russian Government of 1917, responsible for the

acts of the Imperial régimes in France and Russia.

The German note read as follows:

At Versailles, May 13, 1919.

To his Excellency, M. Clemenceau, President of the Peace Conference, Sir:

In the draft of the Peace Treaty submitted to the German delegates, Part VIII., concerning reparation, begins with Article 231, which reads as follows:

The Allied and Associated Governments affirm and Germany accepts the responsibility of Germany and her allies for causing all the loss and damage to which the Allied and Associated Governments and their nationals have been subjected as a consequence of the war imposed upon them by the aggression of Germany and her allies.

Now the obligation to make reparation has been accepted by Germany by virtue of the note from Secretary of State Lansing of Nov. 5, 1918, independently of the question of responsibility for the war. The German delegation cannot admit that there could arise out of a responsibility incurrent by the former German Government in regard to the origin of the world war any right for the allied and associated powers to be indemnified by Germany for losses suffered during the war.

The representatives of the allied and associated States have, moreover, declared several times that the German people should not be held responsible for the faults committed by their Governments. The German people did not will the war and would not have undertaken a war of aggression. They have always remained convinced that this war was for them a defensive war.

The German delegates also do not share the view of the allied and associated Governments in regard to the origin of the war. They cannot consider the former German Government as the party which was solely or chiefly to blame for the war. The draft of the treaty of peace transmitted by you contains no facts in support of this view; no proof on the subject is furnished therein. The German delegates, therefore, beg you to be so good as to communicate to them the report of the commission set up by the allied and associated Governments for the purpose of establishing the responsibility of the authors of the war.

Pray accept, Mr. President, the assurance of my high consideration.

BROCKDORFF-RANTZAU.

The text of the reply of Premier Clemenceau was dated May 20, 1919, and was as follows:

Mr. Chairman: In your note of May 13 you state that Germany, while "accepting" in November, 1918, "the obligation to make reparation," did not understand such an acceptance to mean that her responsibility was involved either for the war or for acts of

the former German Government, and that it is only possible to conceive of such an obligation if its origin and cause are the responsibility of the author of the damage. You add that the German people would never have undertaken a war of aggression.

Yet, in the note from Secretary of State Lansing of Nov. 1, 1918, which you approve of and quote in favor of your contention, it is stated that the obligation to make reparation rises out of "Germany's aggression by land, sea, and air."

As the German Government did not at the time make any protest against this allegation, it thereby recognized it as well founded. Therefore, Germany recognized in 1918, implicitly but clearly, both the aggression and her responsibility.

It is too late to seek to deny them today.

It would be impossible, you state further, that the German people should be regarded as the accomplices of the faults committed by the "former German Government." However, Germany has never claimed, and such a declaration would have been contrary to all principles of international law, that a modification of its political régime or a change in the governing personalities would be sufficient to extinguish an obligation already undertaken by any nation. She did not act upon the principle she now contends for either in 1871 as regards France after the proclamation of the republic, nor in 1917 in regard to Russia after the revolution which abolished the Czarist régime.

Finally, you ask that the report of the Commission on Responsibility be communicated to you. In reply, we beg to say that the allied and associated powers consider the reports of the commissions set up by the Peace Conference as documents of an internal character which cannot be transmitted to you.

Accept, Mr. Chairman, &c.,

G. CLEMENCEAU

GERMAN ECONOMIC NOTE

Germany's share of the burdens growing out of the war, as set down in the economic terms of the Peace Treaty, was based on her ability to shoulder it, and not according to her deserts, the allied and associated council declared in its answer to the German note of protest against this section of the treaty.

Germany was mainly responsible for the damage and destruction, it was pointed out, and she could not escape that responsibility. It was not the peace terms, the allied note said, but the acts of those who made and continued the war which were the cause of any sufferings Germany might have to bear.

The allied answer, which was made

public on May 23, with the text of the German note, was negative. It pointed out that the German plea was exaggerated and ignored the fundamental considerations which led to the imposition of the terms.

The loss to world shipping through the German submarine campaign, the reply declared, was nearly 13,000,000 tons. The Allies purposed to make Germany repay only 4,000,000 tons. Responsibility for this shortage in shipping was placed directly on Germany, and the German share in replacing it was called "very moderate."

In answer to the German plea that Germany would be called upon to feed 67,000,000 persons, it was declared that the Peace Treaty took 6,000,000 out of German control. It was added that German agriculture was in better shape than that of Poland, Belgium, and Northern France, where the fighting was heaviest.

The Germans complained that they would lose certain necessary commodities. The allied reply was that Germany could import these goods. Germany, it was asserted, destroyed the Lens coalfields, and the coalfields taken from her in payment for the destruction wrought still left her sufficient fuel supplies.

The Germans complained that the German population would suffer under the treaty, which was described as a "death sentence." The reply pointed out that all countries were suffering as a result of the war, and there was no reason why Germany, which was responsible for the war, should not suffer.

German figures as to the loss in population due to the blockade and speculation as to what would happen to the population in the future were declared to be fallacious. There would be every opportunity for Germany to make her position in the world both stable and prosperous. Germany, it was pointed out, had not suffered from pillage and devastation, and there would be a saving from reduction of armaments and the size of her army and in the turning of the armament-making population to works of peace.

GERMAN COMPLAINTS IN DETAIL

Following is the text of the German note:

Mr. President: In conformity with my communication of the 9th instant I have the honor to present to your Excellency the report of the Economic Commission charged with the study of the effect of the conditions of peace on the situation of the German population:

In the course of the last two generations Germany has become transformed from an agricultural State to an industrial State. As long as she was an agricultural State Germany could feed 40,000,000 inhabitants. In her quality of an industrial State she could insure the nourishment of a population of 67,000,000. In 1913 the importation of foodstuffs amounted in round figures, to 12,000,000 tons. Before the war a total of 15,000,000 of persons provided for their existence in Germany by foreign trade and by navigation, either in a direct or an indirect manner, by the use of foreign raw material.

GERMANY'S LOSS OF TONNAGE

According to the conditions of the treaty of peace, Germany will surrender her merchant tonnage and ships in course of construction suitable for overseas trade. German shipbuilding yards will build for five years in the first instance tonnage destined for the allied and associated governments. Germany will, moreover, renounce her colonies, all her overseas possessions, all her interests and securities in the allied and associated countries and in their colonies, dominions, and protectorates; will, as an installment of the payment for part of the reparation, be subject to liquidation, and may be exposed to any other economic war measure which the allied and associated powers think fit to maintain or to take during the years of peace.

By the putting in force of the territorial clauses of the treaty of peace Germany would lose, to the east, the most important regions for the production of corn [cereals] and potatoes, which would be equivalent to the loss of 21 per cent. of the total crop of those articles of food. Moreover, the intensity of our agricultural production would diminish considerably.

On the one hand, the importation of certain raw material indispensable for the production of manure, such as phosphates, would be hindered; on the other hand, this industry would suffer, like all other industries, from lack of coal. The treaty of peace provides for the loss of almost a third of the production of our coal mines. Apart from this decrease, we are forced for ten years to deliver enormous consignments of coal to various allied countries. Moreover, in conformity with the treaty, Germany will concede to her neighbors nearly three-quarters of her mineral production and more than three-fifths of her zinc product.

"CONDEMNED TO DESTRUCTION"

After this diminution of her products, after the economic depression caused by the loss of her colonies, of her merchant fleet, and of her possessions abroad, Germany would not be in a state to import from abroad a sufficient quantity of raw material. An enormous part of German industry would therefore inevitably be condemned to destruction. At the same time, the necessity of importing foodstuffs would increase considerably, while the possibility of satisfying that demand would diminish in the same proportion.

At the end of a very short time Germany would, therefore, not be in a position to give bread and work to her numerous millions of inhabitants, who would

be reduced to earn their livelihood by navigation and by trade. Those persons would have to emigrate; but that is a material impossibility, all the more so because many countries, and the most important ones, will oppose any German immigration. Moreover, hundreds of thousands of Germans expelled from the territories of the powers now at war with Germany from the colonies and territories which Germany must surrender, will return to their native land.

The putting into execution of the conditions of peace would, therefore, logically bring about the loss of several millions of persons in Germany. This catastrophe would not be long in coming about, seeing that the health of the population has been broken down during the war by the blockade, and during the armistice by the aggravation of the blockade of famine. No help, however important, or over however long a period it might be distributed, would prevent these deaths en masse. Peace would impose on Germany numberless human sacrifices that this war of four years and a half did not demand of her pride. (1,750,000 killed, nearly 1,000,000 dead, victims of the blockade.)

"PUSHED BACK" HALF A CENTURY

We do not know, and indeed we doubt, whether the delegates of the allied and associated powers realize the inevitable consequences which will take place in Germany. An industrial State very thickly populated, closely bound up with the economic system of the world, and reduced to the obligation to import enormous quantities of raw material and food-stuffs, suddenly finds herself pushed back into the phase of her development which would correspond to her economic conditions and the numbers of her population as they were half a century ago. Those who will sign this treaty will sign the death sentence of many millions of German men, women, and children.

I thought it my duty, before entering upon a discussion of other details of the treaty, to bring to the knowledge of the allied and associated delegations this summary exposé of the problem of the German population.

I have at the disposal of your Excellency statistical proofs of the above statements.

I have the honor, &c.,

BROCKDORFF-RANTZAU.

CAUSTIC REPLY OF THE ALLIES

The reply of the allied and associated powers, approved by the council of their principal members on May 22, reads as follows:

The allied and associated powers have received and have given careful attention to the report of the commission appointed by the German Government to examine the economic conditions of the treaty of peace.

This report appears to them to contain a very inadequate presentation of the facts of the case, to be marked in parts by great exaggeration, and to ignore the fundamental considerations arising both out of the incidents and the results of the war, which explain and justify the terms that it is sought to impose.

The German note opens with the statement

that the industrial resources of Germany were adequate before the war for the nourishment of a population of 67,000,000, and it argues as though this were the total for which with diminished resources she will still be called upon to provide.

This is not the case. The total population of Germany will be reduced by about 6,000,000 persons in the non-German territories which it is proposed to transfer. It is the needs of this smaller aggregation that we are called upon to consider.

RETRIBUTION FOR U-BOAT SAVAGERY

Complaint is made in the German note that Germany is required to surrender her merchant tonnage, existing or in course of construction, and that a prior claim is made upon her shipbuilding capacity for a limited term of years. No mention, however, is made of the fact that a considerable portion of the smaller tonnage of Germany is left to her unimpaired; and it seems to have entirely escaped the notice of her spokesmen that the sacrifice of her larger shipping is the inevitable and necessary penalty imposed upon her for the ruthless campaign which, in defiance of all laws and precedent, she waged during the last two years of the war upon the mercantile shipping of the world.

As a partial offset against the twelve and three-fourths million tons of shipping sunk, it is proposed to transfer four million tons of German shipping. In other words, the shipping which it is proposed to take from Germany constitutes less than one-third of that which was thus wantonly destroyed. The universal shortage of merchant shipping is the result, not of the terms of peace, but of the action of Germany, and no surprise can reasonably be felt if she is called upon to bear a share—and it is a very moderate share—of a loss for which her own criminal deed have been responsible.

Great stress is laid on the proposal that on the eastern side Germany shall be deprived of the regions specially devoted to the production of wheat and potatoes. This is true. But the note fails altogether to observe that there is nothing in the Peace Treaty to prevent either the continued production of those commodities in the areas in question or their importation into Germany. On the contrary, the free admission of these products of the eastern districts is provided for during a period of three years.

CEREAL MARKET OPEN TO GERMANY

Moreover, it is fortunate for Germany that those regions have lost none of their productivity owing to the ravages of war. They have escaped the shocking fate which was dealt out by the German armies to the corresponding territories in Belgium and France on the west, and Poland, Russia, Rumania, and Serbia on the east. There appears to be

no reason why their produce should not continue to find a market on German soil.

Stress is laid upon the proposed restrictions of the import of phosphates. It is, however, forgotten that Germany has never produced, but has always imported, the phosphates of which she stands in need. Nor is there anything in the terms of peace which will prevent or hinder the importation of phosphates into Germany in the future. Other countries which do not produce phosphates also are compelled to import them in common with many other products from the outside, and the only difference in the two situations will arise from the relative degree of wealth or impoverishment in the countries concerned.

The German note makes a special complaint of the deprivation of coal, and asserts that nearly one-third of the production of the existing coal mines will be lost. But it omits to notice that one-fourth of the pre-war consumption of German coal was in the territories which it is now proposed to transfer. Further, it fails to take into account the production of lignite, 80,000,000 tons of which were produced annually in Germany before the war, and none of which is derived from the transferred territory. Neither is any reference made to the fact that the output of coal in the non-transferred districts was rapidly increasing before the war, and that there is no reason to doubt that under proper management there will be a continuing increase in the future.

PENALTY FOR WRECKING MINES

But should not the coal situation be viewed from a different and wider standpoint? It cannot be forgotten that among the most wanton acts perpetrated by the German armies during the war was the almost complete destruction by her of the coal supplies of Northern France. An entire industry was obliterated with a calculation and a savagery which it will take many years to repair. The result has been a grave and prolonged shortage of coal in Western Europe. There can be no reason in equity why the effect of this shortage should be borne exclusively by the allied nations who were its victims, or why Germany, who deliberately made herself responsible for the deficiency, should not, to the full limit of her capacity, make it good.

GERMAN STATISTICS UNRELIABLE

Stress also is laid upon the hardships alleged to be inflicted upon Germany by the necessity of importing in future iron ores and zinc. It is not understood why Germany should be supposed to suffer from conditions to which other countries contentedly submit. It would appear to be a fundamental fallacy that the political control of a country is essential in order to procure a reasonable share of its products. Such a proposal finds no foundation in economic law or in history.

The allied and associated powers cannot

accept the speculative estimate presented to them in the German note on the future conditions of German industry as a whole. This estimate appears to them to be characterized and vitiated by palpable exaggerations. No note is taken of the fact that the economic disaster produced by the war is widespread, and indeed universal. Every country is called upon to suffer. There is no reason why Germany, which was responsible for the war, should not suffer also.

Similarly, as regards the population of the future, no reliance can be placed on the data which are contained in the German note. On the one hand, it is sought to prove that emigration from Germany will be necessary, but that few countries will receive the intending immigrants. On the other hand, it is sought to show that there will be a flood of Germans returning to their native land to live under the conditions which have already been described as intolerable. It would be unwise to attach too much weight to either speculation.

Finally, the German note rashly asserts that the peace conditions will "logically bring about the destruction ('loss' in original) of several millions of persons in Germany," in addition to those who have perished in the war or who are alleged to have lost their lives in consequence of the blockade. Against the war losses of Germany might fairly be placed the far greater losses which her initiative and conduct of the war have inflicted upon the allied countries and which have left an ineffaceable mark upon the manhood of Europe. On the other hand, the figures and the losses alleged to have been caused by the blockade are purely hypothetical. The German estimate of future losses could be accepted only if the premises upon which it is presumed to rest are accepted also.

BRITAIN'S EXAMPLE CITED

But they are entirely fallacious. There is not the slightest reason to believe that a population is destined to be permanently disabled because it will be called upon in future to trade across its frontiers instead of producing what it requires from within. A country can both become and can continue to be a great manufacturing country without producing the raw materials of its main industries. Such is the case, for instance, with Great Britain, which imports at least one-half of her food supplies and the great preponderance of her raw materials from abroad.

There is no reason whatever why Germany, under the new conditions, should not build up for herself a position both of stability and prosperity in the European world. Her territories have suffered less than those of any other Continental belligerent State during the war. Indeed, so far as pillage or devastation is concerned, they have not suffered at all. Their remaining and untouched resources, supplemented by the vol-

time of import trade, should be adequate for recovery and development.

The German reply also ignores the immense relief that will be caused to her people in the struggle for recovery by the enforced reduction of her military armaments in future. Hundreds of thousands of her inhabitants who have hitherto been engaged either in training for armies or in producing instruments of destruction will henceforward be available for peaceful vocations and for increasing the industrial productiveness of the nation. No result should be more satisfactory to the German people.

NO ESCAPE FROM RESPONSIBILITY

But the first condition of any such recuperation would appear to be that Germany should recognize the facts of the present state of the world, which she has been mainly instrumental in creating, and realize that she cannot escape unscathed. The share which she is being called upon to bear of the enormous calamity that has befallen the world has been apportioned by the victorious powers, not to her deserts, but solely to her ability to bear it.

All the nations of Europe are suffering from losses and are bearing and will continue to bear burdens which are almost more than they can carry. These burdens and losses have been forced upon them by the aggression of Germany. It is right that Germany, which is responsible for the origin of these calamities, should make them good to the utmost of her capacity. Her hardship will arise not from the conditions of peace, but from the acts of those who provoked and prolonged the war. Those who were responsible for the war cannot escape its just consequences.

THE GERMAN REPLY

The reply of the German delegation to the note of the allied council was delayed until May 25. In this rejoinder Count von Brockdorff-Rantzau insisted that Germany's only responsibility was for the violation of Belgian neutrality, for which it was ready to make reparation. He declared that all the powers were responsible for the war and that the material damage done was the work of the allied armies as well as the Germans.

SARRE BASIN NOTES

Two notes sent by the German delegation on May 13 and May 16, respectively, were answered in a single letter sent by Premier Clemenceau on May 24. The complete text of this exchange was made public by the State Department at Wash-

ington on May 25. Following is the German note:

Versailles, May 13, 1919.

From German Peace Delegation to his Excellency the President of the Peace Conference.

Sir: The German peace delegation has inferred from the note of your Excellency, dated the 10th instant, that the allied and associated Governments have formed the terms of the treaty with constant thought of the principles upon which, at the time, the armistice and the negotiations for peace were proposed. The German delegation will not, of course, cast doubts upon this basis; they must, however, reserve to themselves the right of pointing out those conditions which, according to their views, are inconsistent with the contention of the allied and associated Governments.

Such an inconsistency is principally obvious with regard to those conditions of the draft of the treaty which bear upon the cession of different parts of the territory of the empire inhabited by a German population. Apart from the restitution of Alsace-Lorraine to France and from the occupation of Kehl, which points I reserve to myself to treat later on, the temporary or permanent surrender of the following fractions of German territory is required from Germany: The Sarre Basin, the districts of Eupen and Malmédy as well as Prussian Moresnet, Upper Silesia, German districts of Middle Silesia, Posenania, West Prussia and East Prussia. The provisions made for the administrative department (Regierungsbezirk) of Schleswig also mean in the end a cession of parts of German territory.

The German delegation fully realizes that for a number of provisions on changes in territory, contained in the draft of the treaty of peace, the principle of national self-determination may indeed be assured, as certain groups of the population up to now under German dominion, e. g., Poles, look upon themselves as non-Germans. In the Schleswig problem, too, reasons of nationality may be alleged, albeit the German delegation cannot see whence the allied and associated Governments derive the authority for making the question of the boundary to be settled between Germany and Denmark, an object of the peace negotiations. The neutral Danish Government knows the present German Government always to have been ready to come to an understanding with it about the new frontier corresponding to the principle of nationality. In case the Danish Government should nevertheless prefer urging its claims by taking the circuitous way of the peace negotiations, the German Government is not of a mind to object to this.

But this willingness of the German Government does not extend to those territories of the empire which are not undoubtedly inhabited by a population of foreign extraction. Above all it deems it to be inadmis-

sible that by the treaty of peace German populations and territories should be bartered about from sovereignty to sovereignty as if they were mere chattels and pawns in a game for the purpose of giving guarantee for financial or economic claims of the adversaries of Germany.

SARRE BASIN A CASE IN POINT

This especially holds good of the Sarre Basin. Nobody denies that an unalloyed German population is living there. In spite of this the draft of the treaty of peace provides for a transfer of sovereignty over this partly Prussian, partly Bavarian territory upon France, which needs must lead up to a complete coalescence with regard to the management of customs, the coinage, administration, legislation and jurisdiction, or which, at the very least, will in all these respects put an utter end to the contact of the Sarre district with the rest of the empire.

The authorities of the occupying powers cannot be ignorant of the fact that the whole population is resisting with the utmost determination such a severing from the old home country. The few persons pretending to think otherwise, because they either fawn upon the existing power or hope to secure for themselves illicit gains, do not count.

It would be all to no purpose to object that the occupation is only meant to last for fifteen years and that on the expiration of this delay a plebiscite is to decide on the future nationality, for the return of the territory to Germany is made dependent on the German Government's then being able to buy within short delay all the coal mines of the territory from the French Government against [?] in gold, and if payment cannot be effected, the country is finally to pass over to France, even though the population should unanimously have voted for Germany.

Considering the financial and economical conditions of the treaty, it appears to be impossible that Germany would within fifteen years have the requisite quantity of gold at her disposal; moreover, even should the gold be in the possession of Germany the Interallied Reparation Commission, which then would still be reigning over Germany, would hardly permit such a use of the gold to be made. In the history of modern times there will very probably exist no instance whatever that one civilized power has obliged another to surrender its nationals to foreign sway as an equivalent for a sum of gold.

PAYING FOR DEVASTATION

In the public opinion of the hostile countries, the cession of the Sarre Basin is represented as being just compensation for the devastation of mines in Northern France. The German delegation acknowledge that France must be compensated for these damages. They also admit that compensation in money alone would not meet the present im-

paired economic position of France. The claim to compensation in kind being thus acknowledged as justified, such compensation in kind should and can be effected in another way than by submitting a territory to a foreign rule which, notwithstanding the most humane intentions of those in power, always remains odious.

The German delegation is prepared immediately to enter into discussions with the allied and associated Governments on the question how the deficiency in output of coal in the provinces formerly occupied by Germany may be compensated, as has been promised by Germany, till the devastated mines are repaired.

In this respect they propose that in lieu of a primitive and disproportionate form of restitution through surrendering the Sarre coal basin and transferring its coal mines to France a more equitable arrangement be sought. The deficiency in coal existing in Northern France and Belgium should not alone be compensated with Sarre coal, but with Ruhr. Apart from the fact that it would be inexpedient on grounds of transport policy to devote only Sarre coal, which up to now had a totally different natural market, to this purpose of compensation, it appears essential also to resort to the Ruhr territory, as the departments which have suffered damages depend for their coal supply just as much on the product of the Ruhr territory as on the Sarre territory.

The German delegation is convinced that it would not be difficult to arrive at an arrangement on this question of supplying coal which would satisfy all legitimate claims of France. To this end, it would only be necessary that the experts of both parties enter into direct relation with each other and discuss the terms of delivery on a business footing.

As to Belgium, Germany is prepared to make full reparation for the damages suffered by her. Therefore, she sees no reason why she is to be forced to cede Prussian Moresnet and the districts of Eupen and of Malmédy. It is impossible to prove that these districts are inhabited by an undoubtedly non-German population. The plebiscite through which it is intended to give the inhabitants a seeming right of taking part in the determination of their future destiny, would find no base in the principles of peace agreed upon between the belligerents.

According to the draft of the treaty of peace, however, such plebiscite is not even to be decisive; instead a body in which Germany is in no way represented is called upon to determine the future of the territory as it may think fit, even though the population have expressed their desire to remain part of Germany. This provision is in itself inequitable and at variance with the principle that no national tendency should be satisfied if by such satisfaction new elements of discord and connection are created.

The German delegates reserve for them-

selves liberty of returning to the provisions of the treaty draft concerning territorial changes in the east of Germany in a special note.

Accept, Sir, the assurance of my high esteem.
BROCKDORFF-RANTZAU.

SECOND GERMAN NOTE

The text of the German note dated May 16, dealing solely with the question of the Sarre Basin and supplementing the note of May 13, regarding the boundaries of Germany, is as follows:

German Peace Delegation,

Versailles, May 16, 1919.

Sir: In my note dated 13th instant on the territorial provisions of the peace draft, relating to the west of Germany, I pointed out in the name of the Germanic delegation that the guarantees which are required especially for the reparation of the damages caused to the coal mines of Northern France could best be given by economical agreements that should be discussed *viva voce* by the experts of both parties.

It does not appear to the German peace delegation to be advisable that such agreements should be delayed to the extent provided for by Paragraph 38 of the annex to Articles 45 to 50 of the conditions of peace, i. e., till the fifteen years' period of occupation intended for the Sarre Basin has expired.

In connection herewith I beg to transmit to your Excellency the inclosed draft, a proposal which has been elaborated by the experts of the German peace delegation, requesting you to submit the same to the experts of the allied and associated Governments for examination and to let me have a reply as to whether *viva voce* discussion of the proposal can be taken into view.

The German delegation would only contemplate publishing the experts' proposal if the allied and associated Governments should on their part attach value thereto.

Accept, Sir, the assurance of my highest esteem.

(Signed) BROCKDORFF-RANTZAU.

To his Excellency,

The President of the Peace Conference,
M. Clemenceau.

PROPOSAL OF GERMAN EXPERTS

According to Article 45 of the Peace Treaty, the chief object of the measures proposed in Part 3, Section 4, concerning the Sarre Basin is to furnish compensation for the destroyed coal mines in the north of France and to make good in part the war damages caused by Germany. According to Article 46, the full freedom of exploitation is to be insured by the provisions contained in Chapter 2 of the Annex.

The point at issue is therefore to satisfy and safeguard economic interests of France.

In a like sense the provision of Paragraph 38 of the Annex could be taken, provided that the agreements therein mentioned between France and Germany are to be understood officially as being of an economic nature.

We are of opinion that this end could be obtained by other measures than those mentioned above, namely, by such as are conducive to an adjustment of the interests of both parties. We therefore propose the following:

1. Having in view the necessity of adequately supplying France with coal it does not seem advisable to treat the question of the Saare territory without having regard to the coal supplies of France and some of her allies provided for in Part 8, Annex 5. In order to meet the interests in question as completely as possible, the following questions must be answered:

(a) Which quantities of the different kinds of coal are required to meet the total inland demand in France and Belgium?

(b) Which quantities of coal are to be supplied to the different regions, in particular, of France?

We are prepared immediately to ascertain to what extent we are capable of supplying the required quantities and for this purpose to draw up a plan of delivery. In so doing regard will have to be taken to the necessity of providing for increased transport by sea, in view of the long expanse of time over which the obligation to deliver coal is extended.

It would be necessary to fix the details of delivery in *viva voce* negotiations between the experts of the powers interested.

2. As to reparation of the war damages suffered by the coal mines we propose the following:

The concerns dredged in Northern France to participate in shares to an extent agreed upon in such German coal mines as are charged with the delivery of coal to the regions mentioned.

The details of this transaction to be settled mutually by the German-French experts.

3. The object of the measures provided for in Article 49 and in Chapter 2 of the Annex to Part 3, Section 4, concerning the Saare territory, is, just as that of occupation of the territory to the left of the Rhine and of the bridgeheads, to insure the fulfillment of the obligation which will be undertaken by Germany.

These measures, as well as the measure of control carried out and contemplated up to now by the allied and associated Governments, measures which mean a restriction or cancellation of the liberty of German economic life, would, apart from the heavy political danger, moreover, paralyze the concerted capacity of Germany, the entire maintenance of which is of the utmost importance also for her neighbors. In lieu of these measures we are ready to propose a system of guarantees of economic nature perfectly

on a par with the former. As far as supply of coal enters into account, we allow ourselves to be guided by the following principles. The desired guarantees for regularity of production and delivery may be given in the following way:

(a) By the participation of French concerns, (mentioned sub voce 2,) which is to be realized to an extent insuring to them a considerable influence upon the administration of the German concerns in question.

(b) By the grant of a right of precedence as to the surplus of the entire German output in coals over and above the home requirements. Should this surplus not suffice for the discharge of the quantities of supplies agreed upon, the consumption of coals from Germany, France, and Belgium will be rationed in due proportion; for the purpose of superintending the putting into execution of the above-mentioned measure a committee consisting of representatives of Germany, France, and Belgium is to be established. This agreement would likewise have to take into account the interests of Italy.

PREMIER CLEMENCEAU'S REPLY

M. Clemenceau's reply, as President of the Peace Conference, follows:

May 24, 1919.

Sir: I beg to acknowledge receipt of your letter of May 13, 1919, and also of your further letter of May 16; as the two communications concern the same subject, it will be convenient that I should arrange them in one letter.

With regard to the more general observations contained in your first letter, I must emphatically deny on behalf of the allied and associated Governments the suggestion contained in it that "German territories are by the treaty of peace made the subject of bargains between one sovereignty and another as though they were mere chattels and pawns in a game." In fact, the wishes of the population of all the territories in question will be consulted and the procedure followed in such consultation has been carefully settled with special regard to local conditions.

Territories ceded to Belgium. Full liberty is insured for popular opinion to express itself within a period of six months. The only exception that has been made applies to that part of the territory of Prussian Moresnet lying west of the road from Liège to Aix-la-Chapelle, the population of which numbers less than 500 inhabitants, and in which the woods are transferred to Belgium as part reparation for the destruction of forests by Germany on Belgian territory.

As to Schleswig. I am to explain that this question was taken up by the Peace Conference on the request of the Danish Government and the population of Schleswig.

As regards the inhabitants of the Sarre Basin, the "domination" which is termed "odious" in your letter is the administra-

tion of the League of Nations. The scheme contained in Section 4 has been drawn up with the greatest care so that, while it provides compensation for the destruction of the coal mines in the north of France, it also secures the rights and welfare of the population. They are assured of the maintenance of all their present liberties, and in addition there are guaranteed to them in financial and social matters a number of special advantages; moreover, definite provision is made after a period of fifteen years for a plebiscite which will enable this population, which is of so complex a character, to determine the final form of government of the territory in which it lives, in full freedom and not necessarily to the advantage either of France or Germany.

As a larger part of your two communications is devoted to observations on the scheme concerning the Sarre Basin, I must explain that the allied and associated Governments have chosen this particular form of reparation because it was felt that the destruction of the mines in the north of France was an act of such nature that a definite and exemplary retribution should be exacted; this object would not be attained by the mere supply of a specified or unspecified amount of coal. This scheme, therefore, in its general provisions must be maintained and to this the allied and associated powers are not prepared to agree to any alternative.

For this reason the suggestion you make in your first letter for some other means of making good the deficiency of coal—a suggestion which is developed with more precision in the annex to your second letter—cannot be accepted. In particular I would point out that no arrangement of the kind put forward could give to France the security and certainty which she would receive from the full exploitation and free ownership of the mines of the Sarre.

MINE SHARES OF DOUBTFUL VALUE

Similarly, the contemplated handing over of shares in German coal mines situated in German territory and subject to German exploitation would be of doubtful value to French holders and would create a confusion of French and German interests which, under present circumstances, could not be [word illegible]. The complete and immediate transfer to France of mines adjacent to the French frontier constitutes a more prompt, secure, and businesslike method of compensation for the destruction of the French coal mines; at the same time, by securing that the value of the mines should be credited to the reparation account due from Germany, it makes full use of them as a means of payment in the general account of reparation.

In some points your letter of the 13th seems to have been written under a misapprehension as to the meaning and purport of certain articles in the scheme. There is not, as you suggest, in the treaty any confusion between trade contracts to be established for

delivery of coal from the Ruhr district (see Annex 5 of Part VIII.) and the cession of the Sarre mines. The two questions are essentially distinct.

The interpretation which you in your letter place upon Clause 36 of the annex assumes that the effect of this clause will be to bring about a result which emphatically is not one which the allied and associated Governments ever contemplated. In order to remove any possibility of misunderstanding, and in order to avoid the difficulties which you apprehend as to Germany's ability to effect the payment in gold contemplated in this clause, the allied and associated Governments have decided that some alteration is desirable; they propose, therefore, to substitute for the last paragraph of the said clause the following:

"The obligation of Germany to make such payment shall be taken into account by the Reparations Commission, and for the purpose of this payment Germany may create a prior charge upon her assets or revenues upon such detailed terms as shall be agreed to by the Reparations Commission.

"If, nevertheless, Germany after a period of one year from the date on which the payment becomes due shall not have effected the said payment, the Reparations Commission shall do so in accordance with such instructions as may be given by the League of Nations, and, if necessary, by liquidation of that portion of the mines which is in question."

I have, &c., G. CLEMENCEAU.

NOTE ON INTERNATIONAL LABOR

The exchange of notes between the Peace Conference and the German delegation regarding international labor legislation, as made public, consisted of the English text of a note dated May 22, from Count Brockdorff-Rantzau, to President Clemenceau, and the allied reply from President Clemenceau dated May 31.

The note of Count Brockdorff-Rantzau of May 22 follows:

Sir: In the name of the German delegation I have the honor to acknowledge the receipt of your reply note, dated May 14, 1919, which has been given us on our note concerning international labor legislation.

The German delegation takes note of the fact that the allied and associated Governments are of one mind with the German democratic Government in believing domestic peace and the advancement of humanity to be dependent on the solution of labor questions. The German delegation, however, does not agree with the allied and associated Governments as to the ways and means of arriving at the solution.

In order to avoid misunderstandings and false impressions, the German delegation deems it to be necessary to elucidate the fun-

damental conditions precedent underlying their note of May 10, 1919.

In the opinion of the German democratic Government, the final decision in questions of labor law and labor protection belongs to the workers themselves. It was the intention of the German delegation to give occasion, even while the negotiations of peace are proceeding, to the legitimate representatives of the working people of all countries of casting their vote on this point and bringing into conformity the draft of the conditions of peace, the proposal of the German democratic Government and the resolutions of the International Trade Union Conference held at Berne from Feb. 5 to Feb. 9, 1919. Contrary to this proposal, the allied and associated Governments do not think it necessary to call a labor conference at Versailles for this purpose.

The International Labor Conference contemplated to be held at Washington, D. C., to which you refer in your reply note of May 14, 1919, cannot replace the conference demanded by us, because it is to be held on the principles which are established by the draft of the treaty of peace for the organization of labor. The latter, however, disregards the demands raised by the International Trade Union Conference in Berne in two material directions. The first divergence is in respect to the representation of the workers. According to the proposal of the International Labor Conference at Berne one-half of the members of the conference entitled to vote must consist of legal representatives of the workers of each country who are organized in trade unions. The German delegation has indorsed this proposal by transmitting the protocol of the International Trade Union Conference at Berne.

REPRESENTATION OF LABOR

Contrary to this, the draft of the treaty of peace grants to the workers only one-quarter of the total votes at the International Conference, for, according to the draft of the allied and associated Governments, each country is to be represented by two Government delegates, one employer, and only one worker. The Governments are even in a position, according to Article 390 of the draft of the treaty of peace, to exclude the workers' vote by nominating an employer, and thus giving to Government bureaucrats the casting vote as against the representatives of practical life. This system is at variance with the democratic principles which to the present day have been upheld and fought for in common by the whole international work people, and will deepen the impression held among the workers that they are, as before, furthermore to be the object of legislation governed by the interest of private capital.

The second divergence refers to the legally binding force of the resolutions of the conference. According to the resolutions of the International Trade Union Conference at

Berne the International Parliament of Labor is to issue not only international conventions without legally binding force, but also international laws which, from the moment of their adoption, are to have the same effect (legally binding force) as national laws, (proclamations to the workers of all countries, adopted by the International Trade Union Conference at Berne, 1919, at the motion of Jousaux, the delegate from France.) The draft of the German Democratic Government indorses this resolution and makes the passing of such laws depend on the assent of four-fifths of the nations represented. No such resolution can be passed by a conference which is called on the basis of Part 13 of the draft of the treaty, but only recommendations or drafts which the Governments concerned may accept or repudiate, and for such non-obligatory proposals a majority of two-thirds of the votes cast is even required.

ESSENTIAL TO SOCIAL PEACE

In so providing, the draft of the conditions of peace deviates to such an extent from the resolutions of the International Trade Union Conference at Berne that a discussion and decision by the organizations of labor, as part of the peace negotiations, is absolutely imperative. This would at the same time be in accordance with the demand raised by the International Trade Union Conference at Berne that the minimum claims of labor agreed upon be, already at the conclusion of peace, turned into international law by the society of nations. Moreover, a firm foundation for the peace of the world shall be erected by this means, whereas a treaty concluded by the Governments alone without the assent of the organized workers of all countries will never bring forth social peace to the world.

The allied and associated Governments give no place to these considerations in their reply. As have above been illustrated, the resolutions of the International Trade Union Conference at Berne are in fact not taken into consideration by Part 13 of the draft of the treaty of peace, so that the fears expressed by the German Democratic Government with regard to social justice are in reality not taken into account. This fact must be noted. If we are apprised by the reply note that the representatives of the trade unions of the countries represented by the allied and associated Governments have taken part in the elaboration of the clauses of the conditions of peace relating to labor, we must, on the other hand, make note of the fact that they have made no announcement of any kind notifying a change of their view on the resolutions of the International Trade Union Conference at Berne, much less of an abandonment of these resolutions which they sacredly have adopted.

The German delegation again moves to call a conference of representatives of the national organizations of all trade unions be-

fore the negotiations of peace are terminated. Should this motion again be rejected an utterance of the leaders of the trade unions of all countries is at least necessary. In moving this we desire to bring about that the provisions of the treaty of peace relating to labor may also have the approval of all trade union organizations.

Accept, Sir, &c.

TEXT OF ALLIED REPLY

The following is the allied reply, dated May 31, signed by President Clemenceau, to the Brockdorff-Rantzau note of May 22 regarding international labor legislation:

The President of the Peace Conference to Count Brockdorff-Rantzau,

Paris, May 31, 1919.

Sir: In the name of the allied and associated Governments I have the honor to acknowledge the receipt of your further note dated May 22, 1919, on the subject of international labor legislation. (Conditions of peace, Part 13.) The reply is as follows:

1. The German delegation states the principle for the German National Government that to the wage earners belongs the final decision in questions of labor law. The allied institutions hold it to be their duty to collaborate with labor in the formulation of such law. But the laws must be passed by representatives of the whole community.

2. The allied and associated Governments draw attention to a misconception in the note to the German Government on May 22, 1919, namely, that the views and interests of Governments must necessarily be antagonistic to those of labor. Accredited labor representatives now form some part of the genuine democratic Governments of the world, and the assumed antagonism is not likely to be found anywhere save in the case of Governments which are democratic only in name.

3. The allied and associated Governments fail to find in your letter any useful guidance as to how the principles involved could in any case find definite expression in the Peace Treaty. The labor organization, which was submitted to representatives of labor, can deal in a practical manner in any proposal put forward by any one of the affiliated members. It is not correct to say that the demands raised by the International Trade Union Congress at Berne are disregarded, inasmuch as the points raised in these resolutions as well as all other relevant considerations were discussed and carefully considered, and for the most part are embodied in the preamble of Part 13 or in the general principles which are accepted to guide the League of Nations and the labor organization in the attainment of social justice. There is manifestly no need for another conference to repeat those resolutions or to cause unnecessary confusion or delay by adding to or

departing from them. The widest publicity has been given to the plan of labor organization and the responsible trade union leaders have been given an ample opportunity to formulate definite suggestions.

4. The allied and associated Governments have already decided to accept the idea of early admission of German representatives, and to ask the Washington conference to admit them immediately thereafter to full membership and rights in respect to the industrial labor organization and the governing body attached thereto.

5. While the resolutions passed by the Berne conference, February, 1919, gave expression to the wishes of the workers and defined their aspirations for the future, the Washington conference provides the means of giving effect to such of these aspirations as can be embodied in legislation without delay, and the labor organization will give opportunities for progressive expression to others, in accordance with the guiding principles already mentioned. The Labor Commission, moreover, set up by the Peace Conference envisaged all the points mentioned in your letter, as coming within the scope of the labor organization, including an international code of law for the protection of the seamen, to be especially drawn up with the collaboration of the seamen's union, (copy annexed.)

6. It also adopted a resolution (copy annexed) in favor of the organization being given power as soon as possible to pass resolutions possessing the force of international law. International labor laws cannot at present be made operative merely by resolutions passed at conferences. The workers of one country are not prepared to be bound in all matters by laws imposed on them by representatives of other countries; international conventions as provided for under the Peace Treaty are therefore at present more effective than international labor laws, for the infringement of which no penal sanctions can be applied.

MORE LIBERAL REPRESENTATION

7. In reply to the statement as to the divergence from democratic principles, the proposal of the allied and associated Governments, already pointed out, goes further than that of the German proposition; for three-quarters of the delegates at the labor conference will directly and indirectly represent the wishes of the population generally, the two Governmental delegates representing the people at large and the labor delegates representing the workers directly, the employers of labor being granted a representation of only one-quarter. The theory of the German delegation that Article 390 of the draft may "exclude the workers" is wholly fallacious, as the so-called Governmental representatives, at least those of the allied and associated powers, would be representatives of the people of those countries. It is to be remembered that in many countries a very large

part of the workers are engaged in agriculture and that these workers are not generally united in industrial organizations, and it is therefore peculiarly apparent that their interests should be represented in labor conferences through the Governments.

8. Furthermore, the proposal of the German delegation would permit the prevention of the most beneficent legislation if it was opposed by one-fifth of the Governments represented at the labor conference. It is of particular importance to notice that according to the proposal of the German delegation each country in such a conference would have one vote, and thus the votes of Governments representing perhaps only an insignificant minority of the workers of the world would be able to defeat any proposal whatsoever. In striking contrast with this autocratic idea is the proposal of the allied and associated powers, which not only permits voting in conferences to be by delegates and not by Governments, but also permits a definite proposal to be made by two-thirds of the delegates.

NEW CONFERENCE UNNECESSARY

9. At the present time active preparations are being made for the first meeting of the international labor organization in October. It is obvious, therefore, that no need exists for interposing a labor conference at Versailles. Moreover, the suggestion of the German delegation that the peace negotiations should be delayed in order to permit of another labor conference is contrary to the interests of the workers throughout the world, who are more interested than any one else in a return to peace as a relief from the conditions produced by four years of German aggression. The allied and associated Governments, taking account of this most just desire, are endeavoring not to postpone, but, on the contrary, to hasten the conclusion of peace and to secure the adoption of those measures of social amelioration which would doubtless have been adopted ere this had it not been that the commencement of the war by Germany turned the efforts and thought of the world's population toward a struggle for liberty, during which time other ideals were necessarily subordinated to that of freedom itself. CLEMENCEAU.

Annex 1. The commission considers that the very special questions to be accorded to seamen might be dealt with at a special meeting of the International Labor Conference devoted exclusively to the affairs of seamen.

Annex 2. The commission expresses the hope that as soon as it may be possible an agreement will be arrived at between the high contracting parties with a view to endowing the International Labor Conference under the auspices of the League of Nations with power to take, under conditions to be determined, resolutions possessing the force of international law.