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Memorandum John Foster Dulles (12.04.1921)

Memorandum

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Regest:

Der während des Krieges im War Trade Board in Washington beschäftigte und an den Pariser Friedensverhandlungen beteiligte John Foster Dulles (der spätere Außenminister der USA) schildert hier detailliert, welche unvorhergesehenen finanziellen und handelspolitischen Folgerungen sich aus dem US-amerikanischen Isolationismus ergeben konnten. Dabei geht es ihm insbesondere um die Notwendigkeit, der Beziehung zu Deutschland eine klar umrissene institutionelle Basis zu verschaffen. Diese Bemühungen fanden ihren Niederschlag schließlich im am 25. August 1921 zwischen den Vereinigten Staaten und Deutschland abgeschlossenen separaten Friedensvertrag ("Berliner Vertrag").

Department of Commerce

Office of the Secretary

Washington

April 9, 1921

The Honorable.

The Secretary of State Washington D. C.

Dear Mr. Secretary,

Please find enclosed a note prepared by John Foster Dulles on some of the economic difficulties arising out of separate peace with Germany which I believe will interest you.

Yours faithfully,

Herbert Hoover

[2]

No peace with Germany can be regarded as satisfactory and as affording the United States a basis for resuming normal commercial relations unless it assures us definitely and in favorable terms with respect to:

1. The renewal of public and private engagement (treaties, contracts and debtor and creditor relationships) which were broken into by the advent of war;
2. Settlement of private property rights, which were largely interfered with by both groups of belligerents under the exigencies of war;¹

1 Die Klärung von Eigentumsrechten war während und nach dem Ersten Weltkrieg ein großer Streitpunkt zwischen den USA und Deutschland. So kam es während des Krieges zu gegenseitigen Enteignungen, die nach dem Krieg teilweise angefochten und vor Gericht verhandelt wurden. Insbesondere die USA verlangten von den Deutschen Entschädigungen für Enteignungen, aber auch für Schäden, die durch Kriegshandlungen entstanden waren, als sich die Vereinigten Staaten noch nicht im Kriegszustand befanden. Daraus leitete sich eine Vielzahl von ungeklärten

3. Settlement of claims against German Government for damage and costs arising during the war.
4. Establishment of a satisfactory basis for resumption of trade relations under most favored nations treatment²; and
5. Proper influence in the "Receivership" of central Europe and the control of trade and financial relations which is vested in the Reparations Commission.

A few, but only a few of these items can be satisfactorily dealt with by a separate treaty with Germany. The first group of problems, namely, determining the status of[3] engagement pending when war occurred, can be taken care of by a separate treaty. Also by separate treaty we could doubtless obtain a satisfactory settlement as to American private property and German private property in America. Beyond this we could not safely go by separate treaty, unless we could secure the agreement of the parties to the Treaty of Versailles to modify, or apply with regard to our separate treaty, the provisions of the Treaty of Versailles. Practically this would mean that the attempt to attain by separate treaty an economic and financial status analogous to that conferred by the Treaty of Versailles would involve in conflict with the Allies, the effect of which conflict would doubtless be in part to nullify the rights which we sought to obtain, in part to create discord and friction with the Allies, and in part to put Germany in a position where she could quite readily evade both treaties by representing to the Allies that her treaty with the United States made it impossible to perform the Treaty of Versailles, and by representing to the United States that the Treaty of Versailles made it impossible for her to perform her treaty with the United States.

A few examples will serve to illustrate the foregoing:

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1. One of the most important kinds of enemy property with which we dealt during the war is enemy ships. We seized these ships, but did not put them through a Prize Court, so as to obtain a title which internationally is recognized as valid. By the Treaty of Versailles Germany agrees to give documents of title for all these ships to the Reparations Commission.³ Accordingly Germany, by treaty with the United States, could not confirm title which she has already passed to the Reparations Commission. If we purport to require Germany to grant title to these ships, we at once come into conflict with the Reparation Commission. If our treaty with Germany does not mention these ships, the Allies may claim that we made peace with Germany on a basis which involved a relinquishment of rights with respect to ships. In any case we will be put in an embarrassing and doubtful position.
2. We have many claims against the German Government, perhaps the most important of which is for the expenses of the Army of Occupation.⁴ Germany by a separate treaty with us would have no power to undertake to pay this claim, or any other claim whatever, for that matter, because by the prior Treaty of Versailles, to which we will not be a party, she has granted to others a first lien upon all German public assets.

Eigentumsfragen ab, die während der 1920er Jahre den Handel und diplomatischen Verkehr belasteten. *Jähnicke, Washington*.

- 2 Es gehörte zu den Regelungen des Versailler Friedensvertrages, dass Deutschland seine handelspolitische Souveränität temporär einbüßte und den Vertragsstaaten bis 1925 im Handel jeweils Meistbegünstigung zu gewähren hatte. Da die USA den Vertrag jedoch nicht unterzeichnet hatten, galt diese Regelung für sie nicht. *Leonhard, Frieden, 988–1020*.
- 3 Der Versailler Vertrag (insb. Artikel 181–197) bestimmte, dass Deutschland einen Großteil seiner Überseekriegsschiffe abgeben musste und ein genaues Inventar seiner vorhandenen Kriegs- und Handelsflotte zu erstellen hatte. Die Frage ist hier, wie die von den Vereinigten Staaten während des Krieges aufgebrachtten Schiffe dabei zu behandeln waren.
- 4 Die Besatzungskosten, insbesondere im besetzten Rheinland, waren eine hochpolitische Frage. Viele Deutsche erachteten als ungerecht, die Kosten der Besatzung des eigenen Landes zahlen zu müssen. Umgekehrt handelte es sich hier um finanzielle Ansprüche, die weitgehend unabhängig von den im Versailler Vertrag festgelegten Entschädigungsregelungen waren. *Artaud, Detttes Interalliees*.

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3. We have for the first two years been receiving, through the acquiescence of the Allies and the operation of the reparation clauses of the Treaty of Versailles, important quantities of German dyestuffs on most advantageous terms. We have been obtaining very adequate quantities of those dyestuffs only which cannot be produced in the United States. Once we conclude a separate treaty with Germany, we will have no basis upon which to ask to participate in the benefit of the operation of this provision of the Treaty of Versailles, and we cannot obtain in a separate treaty any analogous provision, because this would be inconsistent with the earlier rights granted by Germany under the Versailles Treaty.

4. With respect to German cables, the rights of the United States can perhaps be protected without ratification of the Treaty of Versailles, largely owing to the almost accidental fact that the cession of cables is described by the Treaty of Versailles as being in favor of the Allied and Associated Powers. Even here, however, it is I think, apparent that once we have made a treaty of peace with Germany, it will be much more difficult to maintain our position, because now we have inchoate rights as victors, the utilization of which we have not yet decided upon, whereas then we will have concluded peace, exhausting our rights as victors.⁵

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5. It is when we consider our new post-war relations with Germany that we can appreciate most keenly the serious disadvantages involved in a separate treaty with Germany, which as later in date would be deemed subordinate to the provisions of the Treaty of Versailles. The Treaty of Versailles gives all of the Allied and Associate parties favored nation treatment with respect to their trade and commerce and the rights of their nationals in Germany.⁶ Coupled with these provisions and in the same Treaty are almost unlimited powers vested in the Reparation Commission, which particularly when Germany is in the default (and it lies within the power of the Allies to keep Germany continuously in default), permit the Allies working through the Reparation Commission to obtain great economic advantage for themselves or impose serious economic disadvantages upon others. Any party in the Treaty can validly maintain that the powers of the Reparation Commission cannot be employed to nullify the Treaty provisions providing for equality of treatment. Nations which are not parties to the Treaty will, however, experience great difficulty in preventing the nations which are parties and represented on the Reparation Commission from obtaining great economic advantages. Under the guise of reparation and even as incidental to measures honestly designed to accomplish[7] reparation, great trade benefits can be obtained through special tariff regimes and like measures which may be set up in Germany. In selecting the ways and means in which reparation is to be paid there is much discretion which will permit the economic burdens of reparation to fall in one direction rather than another. In permitting Germany to make foreign loans free from the reparation charge, the Reparation Commission can exercise discretion as to the place where and the purpose for which such loans should be made.

The United States as a party to the Treaty of Versailles could not only exercise what in practical effect could be made a controlling voice in the Reparation Commission, but she could also rely upon other provisions of the Treaty of Versailles which would rank equally with and must be considered in connection with the reparation clauses. Similar provisions in a separate treaty would be meaningless, because we would be making a treaty with a nation which has already incapacitated itself and handed over its economic future to another group of nations.

This list of illustrations could be greatly amplified. It should be sufficient, however, to indicate that Germany is so tied and bound by the Treaty of Versailles, and particularly by the vast powers incident to the reparation[8] rights of the Allies, that Germany is impotent to secure to us by separate agreement those rights which the United States is entitled to obtain and without which our peace will be wholly unsatisfactory.

5 Der Zusammenhang ist hier die in Artikel 244 des Versailler Vertrags geregelte Abtretung der deutschen Überseekabel.

6 Artikel 267 des Versailler Vertrag schrieb zwar die unbedingte Meistbegünstigung für die Alliierten und ihre Assoziierten (wozu auch die Vereinigten Staaten gehörten) fest, war aber an die Unterschrift unter dem Versailler Vertrag gekoppelt. Unklar blieb, inwiefern sich die Vereinigten Staaten mit ihrer Nichtunterschrift dieser Rechte entäußerten.

A separate treaty of peace will be but the first stage in obtaining a real peace settlement. The second stage will be negotiating with the Allies. These negotiations must adopt either the form of pleading or of threat. We must either throw ourselves on the mercies of the Allies, asking that they employ their rights in deference to our views, or else we must use our own economic and financial power to force them to undo in our favor what they regard as their vested rights. Whichever alternative we adopt involves the proposition that our own rights will for long be unsettling the Treaty of Versailles and that instead of hastening a return to normal conditions we will be perpetuating and accentuating uncertainty, which is the element the effect[sic!] of which is most deadly to a revival of trade and commerce.

It is difficult to perceive what controlling reasons there should be for the adoption of a course so wholly unsatisfactory, when we can doubtless obtain promptly and[9] harmoniously all the rights which we could desire by a ratification of the Treaty of Versailles, reserving all such provisions as we might desire either permanently to reject or to hold under advisement for further deliberation.

J.F.D. (April 7, 1921)