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The SHANTUNG CASE AT THE CONFERENCE

INTERNATIONAL RELATIONS
SECOND EDITION

By
THOMAS F. MILLARD
1921



INTERNATIONAL RELATIONS

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The SHANTUNG CASE AT THE CONFERENCE

By
THOMAS F. MILLARD

Author of
"AMERICA AND THE FAR EASTERN QUESTION"
"DEMOCRACY AND THE EASTERN QUESTION"
"OUR EASTERN QUESTION"
"THE NEW FAR EAST"
ETC. ETC.

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SINCE the Shantung case is certain to be included among the Problems of the Pacific to be considered at the Disarmament and Pacific-Far Eastern Conference called by President Harding to meet in Washington on November 11, it has been considered advisable to republish this material, which appeared originally as a supplement to **Millard's Review of the Far East**, at Shanghai last year. To bring the discussion up to date there has been added the recent exchange of notes between Secretary of State Hughes and Dr. S. K. Alfred Sze, Chinese Minister, which constitutes a re-enunciation of the Open Door Policy, and also copies of the official invitation issued by Secretary Hughes to the Governments of Great Britain, France, Italy, China and Japan to the Conference on Disarmament and Pacific-Far Eastern Problems.

In "The Shantung Case at the Conference" Mr. Millard gives in a chronological form the entire story from the American standpoint of the negotiations at Paris whereby the former German interests in China were awarded to Japan. It also includes the testimony of President Wilson and Secretary of State Lansing on this subject before the Foreign Relations Committee of the Senate following the Peace Conference when the Treaty and League Covenant were under consideration. So far as we know it is the only publication of the kind that has been issued. In view of the interest of the American people in this subject it is our hope that this may provide a useful background for study and consideration of this question when it comes before the Conference.

J. B. POWELL,
Editor and Publisher
Weekly Review of the Far East,
Shanghai

The Weekly Review of the Far East (formerly Millard's Review) is an American-owned and edited magazine devoted to the economic, political and social development of the Republic of China.

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China's Representatives at the Peace Conference

PARIS, 1919



Plenipotentiaries

Hon. Lou Tseng-Tsiang, *Minister of Foreign Affairs*
Hon. Chengting Thomas Wang, *former President of the Senate, Chinese Parliament*
Hon. Vikiyum Wellington Koo, *Chinese Minister to the United States of America*
Hon. Sao-Ke Alfred Sze, *Chinese Minister to Great Britain*
Hon. Sunthou Wei, *Chinese Minister to Belgium*

Delegates and Technical Counsellors

Hawking L. Yen, *Counsellor to the Foreign Office*
Liu Chung-eh, *Counsellor to the Foreign Office*
Tsiens-Tai, *Counsellor of the Ministry of Justice*
Lieut. General Tang Tsai-Li
Major General Han Lin-Chun
Major General Dan Pao-Tchao
Major General Liang Shang Tung
Col. Tcheng Hung
Admiral Woo Tsen Nan
Captain Chen Shau Kwan
Tai Chi Quo, *Counsellor on Commercial Affairs*
Wang Chin-Chun, *Director of Railways*
Tsang Ou, *Attache on Railway Questions*
Pehan B. Sze, *Expert on Agriculture*
C. C. Wang, *Counsellor of the Ministry of Agriculture*
V. K. Ting, *Expert on Geology*
Fong Tching Kouec

Foreign Technical Experts

Sir John MacLeavy Brown, C. M. G.,
Counsellor of the Chinese Legation at London
Dr. George E. Morrison, *Adviser to the President of China*
M. Henri de Codt, *Legal Adviser to the Foreign Office*

M. G. Padoux

M. Georges Bouillard, *Counsellor on Railways*

Secretariat

Secretary General—Yo Tsao-Yeu
Tchou Tsong-Han, *Foreign Office*
Chang-Hsuan Sun, *Foreign Office*
Chaohsiung Zee, *Foreign Office*
Shen Tchong-Huin, *Secretary of Legation*
Chang Yuen-Chi, *Secretary of Legation*
Sze Ping, *Secretary of Legation*
Tchao Itao, *Consul*
Wen-Pin Wei, *Secretary of Legation*
Tai Mingfou, *Secretary of Legation*
Tchen Hio-Lan, *Secretary of Legation*
Tcheou-Wei, *Foreign Office*
Shu-Tze, *Secretary of Legation*
L. V. Pan, *Attache of Legation*
Yang Ngan-Chan, *Secretary of Legation*
Li Tchuin, *Vice-Consul*
Pih Min-Yu, *Secretary of Legation*
Hiangheing Li, *Secretary of Legation*
King Pouzong, *Secretary of Legation*
Commandant Tcheng Tse-Li
Commandant Tao Shou-Mou
Hoo Chi-Tsai
Tsiaoling C-L, Song
Wunsz King
Yun-Kuan Kuo
Chao Chuan
Linson Edward Dzau
Hsu Gnietseng
Tsheng Kyd
William Hsieh
Captaina Ou-Tsing
Captain Wang Jou-Kiou
Captain Wang Ken
Lieut. Chu Tsu-Sien
Chu Nei-Chu

Map of Tsingtao

Map of Tsingtao the Former German Concession in China

The sections in this map enclosed in the dotted line (marked thus.....) roughly enclose the new Japanese "concession" that has been outlined for reservation as Japanese private property when the former German leased territory is "returned" to China. Inside of the sections that Japan has reserved for herself are located the wharves, Custom's house, railroad station, electric light and waterworks plants, municipal slaughter house, naval-docks and dry-docks, in fact about everything of value in the city. The rest of the city comprising the old residence section, hotels and bathing beach, is to be returned to China in accordance with Japan's promise at the beginning of the war. (See appendix "A" and "B")



The Shantung Case at the Conference

THE Conference to formulate a peace to end the Great War was organized at Paris on January 18, 1919. Early in its proceedings a line was drawn in the Conference between the so-called Principal Powers and the minor nations. In the organization of the Conference the Principal Powers took the position of a supreme court to which the minor nations presented their causes for judgment. The preference of the minor nations was not followed in determining the arrangement: it was arbitrarily decided by the major powers, and the small nations were under various forms of compulsion to accept it.

Soon after the formal organization was effected, the minor nations and nationalities in some cases were called upon to make statements of their positions and claims. In respect to the Asiatic world, only two nations—Japan and China—were accorded full recognition by the Conference, but with this distinction: Japan was admitted as a Principal Power, China as a minor nation. China's population and territorial area are approximately ten times as large as Japan's, and both nations had been belligerents in the Allies group. Other Asiatic nationalities—Egypt, Korea, Arabia, Persia, Siam—clung about the outskirts of the Conference, seeking recognition and readjustment of their status on the basis of President Wilson's fourteen points and the principle of "self-determination" of peoples.

In preparing its case for presentation at the Peace Conference, the Chinese Government evinced a desire to maintain the close association with the United States resulting from the circumstances by which China entered the war, and soon after the armistice was signed the Peking Foreign Office presented to the American Legation at Peking a summary of the matters that China wanted to raise at Paris. Those matters in effect were the same that I enumerate in eleven articles in Chapter XIV of my recent book, "Democracy and the Eastern Question," and included a readjustment of all the major vexations of China's international status. The Wai Chiao-pu (Foreign Office) was, however, informed (whether on the personal opinion of the American minister at

Peking, or on instruction from the State Department, I do not know) that in the opinion of the American Government it would be inexpedient for China to raise all those questions at Paris, and she would better confine her case at the Conference to questions directly relating to and which were outgrowths of the war. Evidently the American Government felt that for China to bring up at Paris so many and so complex issues would tend to befog the question of making peace with Germany, and might complicate the situation to the disadvantage of China. That was sensible advice, although it turned out rather unfortunately for China.

The Secret Shantung Agreements

An event of great, even of decisive, importance to China was the official revelation of the secret agreements whereby the British, French, Russian and Italian governments had obligated themselves to support Japan's claim to inherit the position of Germany in Shantung province. This disclosure was made at a session of the Council of Ten, so called, on January 27, 1919. On being apprised of the existence of those secret agreements by Baron Makino, President Wilson asked that the texts be provided for the information of the Conference, which was subsequently done. The agreements follow:

DOCUMENTS RELATIVE TO THE NEGOTIATIONS BETWEEN JAPAN AND THE ALLIED POWERS

**As to the Disposal of German Rights in Respect of Shantung Province, and
the South Sea Islands North of the Equator.**

**The British Embassy to the Japanese Ministry of Foreign Affairs.
(February 16th, 1917)**

Monsieur le Ministre:

With reference to the subject of our conversation of the 27th ultimo when Your Excellency informed me of the desire of the Imperial Government to receive an assurance that, on the occasion of a Peace Conference, His Britannic Majesty's Government will support the claims of Japan in regard to the disposal of Germany's rights in Shantung and possessions in the Islands North of the Equator, I have the honor, under instructions received from His Britannic Majesty's Principal Secretary of State for Foreign Affairs, to communicate to Your Excellency the following message from His Britannic Majesty's Government:

His Majesty's Government accedes with pleasure to the request of the Japanese government for an assurance that they will support Japan's claims in regard to the disposal of Germany's rights in Shantung and possessions in Islands North of Equator on the occasion of Peace Conference, it being understood that the

The SHANTUNG CASE at the CONFERENCE

Japanese Government will, in eventual peace settlement, treat in same spirit Great Britain's claims to German Islands South of Equator.

I avail myself of this opportunity, Monsieur le Ministre, to renew to Your Excellency the assurance of my highest consideration.

Signed: Conyngham Greene,
H. B. M. Ambassador.
Tokyo.

His Excellency

Viscount Ichiro Motono,

H. I. J. M. Minister for Foreign Affairs,
etc., etc., etc.

The Japanese Ministry of Foreign Affairs to the British Embassy

(February 21, 1917)

Translation

Monsieur l'Ambassadeur:

I have the honor to acknowledge the receipt of Your Excellency's Note of the 16th instant, giving assurance that His Britannic Majesty's Government will support the claims to be advanced by the Imperial Government in regard to the disposal of Germany's rights in Shantung and possessions in Islands North of Equator on the occasion of a Peace Conference.

The Japanese Government is deeply appreciative of the friendly spirit in which your Government has given the assurance, and is happy to note it as a fresh proof of the close ties that unite the two allied Powers. I take pleasure in stating that the Japanese Government, on its part, is fully prepared to support in the same spirit the claims which may be put forward at the Peace Conference by His Britannic Majesty's Government in regard to German possessions in Islands South of Equator.

I avail myself of this opportunity, Monsieur l'Ambassadeur, to renew to Your Excellency the assurance of my highest consideration.

Signed: Ichiro Motono,
etc., etc., etc.

His Excellency

Sir Conyngham Greene,
etc., etc., etc.

The Japanese Ministry of Foreign Affairs to the Russian and French Embassies

(February 19th, 1917)

Translation

The Imperial Government has not yet formally entered into conversations with the Entente Powers concerning the conditions of peace it proposes to present to Germany, being guided by the thought that such questions ought to be decided in concert between Japan and the said Powers at the moment when the peace negotiations start.

Nevertheless, in view of recent development in the general situation, and in view of the particular arrangements concerning peace conditions, such as arrangements relative to the disposition of the Bosphorous, Constantinople and the Dar-

danelles, having already been entered into by the Powers interested, the Imperial Government believes that the moment has come for it also to express its desiderata relative to certain conditions of peace essential to Japan and to submit them for the consideration of the Government of Russia (of the French Republic).

The Government of Russia (of the Republic) is fully aware of all the efforts the Imperial Government has made in a general manner to accomplish its task in the present war, and particularly with a view of guaranteeing for the future the peace of Oriental Asia and of the security of the Japanese Empire, for both of which it is absolutely necessary to deprive Germany of its bases of political, military and economic activity in the Far East.

Under these conditions the Imperial Government intends to demand from the German Government at the time of peace negotiations the surrender of the territorial rights and special interests Germany possessed before the war in Shantung and in the Islands belonging to her, situated to the North of the Equator in the Pacific Ocean.

The Imperial Government ventures to hope that the Government of Russia (of the French Republic), in view of the legitimacy of these claims, will give the assurance that, whenever the case arises, the Imperial Government may count upon its full support on this question.

It goes without saying that reparations for damages caused to the lives and property of the Japanese people by the unjustifiable attacks of the enemy, as well as other conditions of peace of a character common to all the Entente Powers, are entirely outside the consideration of the present question.

The French Embassy to the Japanese Ministry of Foreign Affairs
(March 1st, 1917)

Translation

The Government of the Republic is disposed to give the Japanese Government its assistance in regulating, at the time of the peace negotiations, questions essential to Japan concerning Shantung and the German Islands in the Pacific situated in the North of the Equator. It also agrees to support the demands of the Imperial Government for the surrender of the rights Germany possessed before the war in this Chinese province and the Islands.

M. Briand requests, on the other hand, that the Japanese Government give its support to obtain from China the rupture of its diplomatic relations with Germany, and that she push this act to a desirable extent. The consequences of this, according to him, would be:—

1. The handing over of passports to the German diplomatic and consular agents.
2. The obligation of all German nationals to leave Chinese territory.
3. The internment of German ships having sought refuge in Chinese ports and the ultimate requisition of these ships in order to place them at the disposition of the Allies following the example of Italy and Portugal. From the advices which reached the French Government, there are fifteen German ships in Chinese ports totaling about 40,000 tons.
4. The sequestration of German commercial houses established in China.
5. The forfeiture of the rights of Germany in the concessions she possessed in certain ports.

**The Japanese Ministry of Foreign Affairs to the French Embassy
(March 6th, 1917)**

Translation

The Ministry of Foreign Affairs has the honor to acknowledge the receipt of the note of the French Embassy, under the date of March 1st, 1917, informing that the French Government is disposed to give the Imperial Government its assistance in regulating, at the time of the peace negotiations, questions essential to Japan concerning Shantung, and the German Islands in the Pacific, situated to the North of the Equator, and that it agrees to support the demands of the Imperial government for the surrender of the rights Germany possessed before the war in Shantung and in the aforesaid Islands.

The Imperial Government takes note of this communication with profound gratitude for the friendly sentiment which inspired the French Government in giving its full assent to the desiderata of the Imperial Government.

The aforesaid Note equally set forth the desire of His Excellency, M. Briand, of ensuring the support of the Imperial Government with a view to obtaining from China the rupture of her diplomatic relations with Germany, to its full, desirable extent. Concerning the question, the Imperial Government, as the French Government was constantly kept informed if it did not fail to make all efforts from the beginning, consequently, the Imperial Government has hereby only to confirm its intention of giving its entire support to the desire expressed by M. Briand, in accord with a view to bringing about the consequences enumerated in the above-mentioned Note.

**The Russian Embassy to the Japanese Ministry of Foreign Affairs
(February 20th, March 5th, 1917)**

Translation

In reply to the Note of the Japanese Ministry of Foreign Affairs, under the date of February 19th last, the Russian Embassy is charged with giving the Japanese Government the assurance that it can entirely count on the support of the Imperial Government of Russia with regard to its desiderata concerning the eventual surrender to Japan of the rights belonging to Germany in Shantung and of the German Islands, occupied by the Japanese forces, in the Pacific Ocean to the North of the Equator.

**The Japanese Ministry of Foreign Affairs to the Russian Embassy
(March 8th, 1917)**

Translation

The Ministry of Foreign Affairs has the honor to acknowledge the receipt of the Note of the Russian Embassy, under the date of March 5th, 1917, in reply to the Note of the Ministry under the date of February 19th of the same year.

In the said Note, the Russian Embassy was good enough to declare that it was charged with giving the Japanese Government the assurance that it could entirely count upon the support of the Russian Government with regard to its desiderata concerning the eventual surrender to Japan of the rights belonging to Germany in Shantung and of the German Islands in the Pacific, situated to the North of the Equator.

The Japanese Government takes note of this communication with profound gratitude for the sentiment which inspired the Russian Government in giving its full assent to the desiderata of the Japanese Government.

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The Japanese Embassy to the Italian Government (March 23rd, 1917)

Translation

The Imperial Japanese Government intends to demand from the German Government at the negotiations of peace, the surrender of the territorial rights and special interests which Germany possessed, before the war, in Shantung and in the German Islands in the Pacific, situated North of the Equator.

In view of the present phase of events, the Imperial Government believed it bound to ensure forthwith the entire support of the English, French and Russian Governments, in case the foregoing claims should be presented to Germany at the peace negotiations.

In bringing to the knowledge of the Royal Government of Italy as a very confidential information that an arrangement has recently been entered into between the Imperial Government of one part and the British, French and Russian Governments of the other part, relating to the foregoing, the Imperial Government has the firmest conviction that the Royal Government of Italy, being inspired by the sentiments of friendship which animate the two countries, and considering the necessity of mutual assistance for the triumph of the common cause in the present war, will be good enough to welcome with satisfaction the conclusion of the above-mentioned arrangement.

Italy's Reply to the Note of the Japanese Embassy (March 23rd, 1917)

Upon reading the foregoing Memorandum, the Italian Minister for Foreign Affairs said to the Japanese Ambassador that the Italian Government had no objection regarding the matter.

United States and China Not Informed

Notwithstanding that close students of Far Eastern events had perceived long before the end of hostilities many strong circumstantial indications of the existence of such secret agreements relating to China, among certain of the Allied Powers, the disclosure of those secret agreements at Paris was ominous. It revealed plainly that at the time when the United States was on the verge of entering the war, and was trying to induce China to adopt similar measures and sever diplomatic relations with Germany and was assuring the Chinese Government that China's territorial integrity and rights would be secured thereby, that the principal Powers in the Allies group were making secret agreements among themselves by which China's interests were adversely affected, and which if carried out, would stultify the diplomatic assurances given by the United States to China. Yet neither the American nor the Chinese governments were informed of the existence of those agreements until after the Peace Conference met at Paris, two years after they were made. At this point I will insert portions of the testimony given by President Wilson and Secretary of State Lansing to the United States Senate Committee on Foreign Relations.

The SHANTUNG CASE at the CONFERENCE

From Stenographic Report of the Conference Between President Wilson and the Senate Committee on Foreign Relations at the White House, August 19, 1919

SENATOR BORAH: I wish to ask some questions in regard to the secret treaty. . . . I should like to know when the first knowledge came to this government with reference to the secret treaties between Japan, Great Britain, Italy and France concerning the German possessions in Shantung.

THE PRESIDENT: I thought that Secretary Lansing had looked that up and told you. I can only reply from my own knowledge, and my own knowledge came after I reached Paris.

Report of the Hearings on the Treaty of Peace Before the Senate Committee on Foreign Relations, August 11, 1919

SECRETARY LANSING: Mr. Chairman, I was asked twice during the hearing on last Wednesday in relation to my knowledge as to the secret treaties or secret agreements which existed between Japan and Great Britain, France, Italy and Russia. . . . Gentlemen, in connection with those inquiries and the apparent implication that I must have had knowledge, or should have had knowledge, of those agreements prior to the Lansing-Ishii agreement, I can now state that my first knowledge of the actual agreements came in the first part of February, 1919. Under date of February 26 they were transmitted to the Department of State by the American Peace Commission, and the department has no record or any knowledge of the treaties prior to that time. . . .

In regard to the statement that I knew of the British agreement before I went to Paris, let me say—

SENATOR JOHNSON: Just what British agreement do you refer to, if you please?

SECRETARY LANSING: Between Japan and Great Britain.

SENATOR JOHNSON: And in your statement of the other treaties you referred to you meant those with Japan?

SECRETARY LANSING: Yes. And I now refer to the text of the British agreement—

SENATOR JOHNSON: With Japan?

SECRETARY LANSING: Yes. As to my knowledge at the time of the Lansing-Ishii agreement, which was negotiated in September and October, 1917, I did know that Great Britain and France had at least an understanding as to the disposition of the German islands in the Pacific. . . . Furthermore, at my first interview in connection with our negotiations, Viscount Ishii, on September 6, 1917, told me that in 1915, on his way to Japan, he stopped in London; that he saw Sir Edward Grey there, and stated to him that Japan intended to return Kiaochou to China, but that the islands would have to be retained because no government in Japan could stand if there was an agreement to return them to Germany. . . . He said it was then practically arranged that the Equator should be the line of division between Japan and Great Britain so far as the conquered islands were concerned.

SENATOR HITCHCOCK: That was an agreement reached between those two nations before we entered the war?

SECRETARY LANSING: Oh, yes; in 1915.

The SHANTUNG CASE at the CONFERENCE

SENATOR BORAH: Mr. Secretary, as I understand you, the first knowledge you had of any of those agreements other than that British agreement was on what date?

SECRETARY LANSING: In the early part of February, 1919.

SENATOR BORAH: You received the information through what channels?

SECRETARY LANSING: I cannot tell you, except that the Commission received it in Paris.

SENATOR BORAH: The secret treaty with reference to Shantung and the German possessions in China had not been made in October, 1916?

SECRETARY LANSING: No.

SENATOR BORAH: When did you first learn of that agreement?

SECRETARY LANSING: Early in February, 1919.

SENATOR BORAH: Will you state again briefly what it was that Viscount Ishii told you as to the understanding he had with Great Britain, and when it was?

SECRETARY LANSING: His statement was made to me on September 6, 1917, and he told me that in 1915—that was after Kiaochou and the German islands had been captured—he was in London, and that he stated to Sir Edward Grey that Japan intended to return Kiaochou to China, but that the islands would have to be retained.

SENATOR BORAH: Is that the only statement that Viscount Ishii made which would indicate to you any understanding between Japan and Great Britain with reference to the German possessions in China?

SECRETARY LANSING: That did not indicate any.

SENATOR BORAH: Did he make any other statement indicating to you that Japan had any agreement with Great Britain in regard to the German possessions in China?

SECRETARY LANSING: None at all, sir. After the statement that it was the intention of Japan to restore Kiaochou to China, the subject was never again mentioned during the conversation.

SENATOR BORAH: You do know now, Mr. Secretary, that at the time Viscount Ishii made that statement to you, Japan had a secret agreement to that effect with Great Britain and those other Powers?

SECRETARY LANSING: I do.

SENATOR BORAH: And that Viscount Ishii either affirmatively or by his silence concealed it from the Secretary of State of this nation?

SECRETARY LANSING: That is the truth. I do not know whether it was an intentional concealment or not. He did not tell me about it.

SENATOR BORAH: I want to say, Mr. Secretary, in answer to an intimation in your opening statement that we were indicating that you must have had knowledge of these things, that that was not my desire at all. My desire was to show what Viscount Ishii was doing.

I desire to read a statement which appeared in the Parliamentary Debates in the House of Commons on March 4, 1918. (Reading):

"Mr. King asked the Secretary for Foreign Affairs whether there have been communicated to President Wilson copies of all treaties, whether secret or public, and memoranda of all other agreements and undertakings to which this coun-

try has become a party since August 4, 1914; and if not, whether copies of all such documents will be handed to the American Ambassador in London.

"MR. BALFOUR: The honorable member may rest assured that President Wilson is kept fully informed by the Allies."

You would understand from that that these secret agreements had been made known to the President?

SECRETARY LANSING: I should dislike very much to interpret the language of Mr. Balfour.

SENATOR BORAH: It does not need much interpreting, does it?

SENATOR HITCHCOCK: What was the date of that statement?

SENATOR BORAH: March 4, 1918. [To Mr. Lansing]: When did this Government make known to China the existence of those secret agreements?

SECRETARY LANSING: I do not know if the Government ever made them known to China, because China had delegates at Paris, and I assume that she was more or less cognizant of the agreements at the same time we were.

SENATOR BORAH: Notwithstanding the statement of Viscount Ishii and the statement of Mr. Balfour, it is a matter of fact that the Secretary of State of the United States had no knowledge of those treaties until after the signing of the armistice, is it not?

SECRETARY LANSING: That is true.

Formal Statement of China's Claims

An outline of Japan's war claims was made to the Council of Ten of the Conference on January 27, and during the course of a brief discussion the existence of the secret Shantung agreements was revealed. At that session Dr. Wellington Koo, one of the Chinese envoys, entered a formal request that China's claims should be heard. On the following day, January 28, the Chinese delegation was called upon on two hours' notice to present China's case. Two of the Chinese delegates (Dr. Koo and Dr. C. T. Wang) attended before the Council of Ten, and Dr. Koo, in an address admitted generally to have been one of the most able delivered at the Conference, gave the basis of China's claim, and stated that the case would be more fully presented in documentary form. A little later (in February and March) printed briefs of China's case were presented to the Conference, which by then had been restricted to a Council of Four, composed of representatives of the British, French, Italian and American governments; while Japan was represented on that Council when Far Eastern questions came under survey.

The disclosure of the secret Shantung agreements, coupled with the restriction of the real power of decision and discussions in the Conference to a Council of Five, including Japan, created a condition whereby China's case was to be submitted to a Court of Five, four of

whose members had previously signed secret agreements to decide against China on the principal question in which she was interested.

Follows the official Memorandum and Provisions presented to the Conference by the Chinese Delegation:

PRELIMINARIES OF PEACE

**Provisions for Insertion
in the**

I.—Memorandum

In formulating the provisions herewith presented for insertion in the Preliminaries of Peace with Germany and with Austria-Hungary, the Chinese Government are animated mainly by a desire to have restored to China the territory, rights and property which were originally obtained from her by either intimidation or by actual force, and to remove certain restrictions on her freedom of political and economic development.

An engagement to ratify the International Opium Convention of January 23, 1912, concluded at The Hague, is asked of Germany, and that to sign and ratify it, of Austria-Hungary, because their refusal to sign or and ratify it, it will be recalled, was largely responsible for the delay in its execution. Their fulfilment of this obligation will mean the removal of one of the obstacles to the accomplishment of the admirable purpose underlying this important international instrument, a purpose not only consonant with the highest interests of China but conducive to the common welfare of the world.

The Chinese Government hope and trust that the representatives of all the Associated Governments at the Preliminary Peace Conference will give such endorsement and support to the accompanying provisions as will insure their full acceptance respectively by Germany and Austria-Hungary.

II.—Provisions for Insertion in the Preliminaries of Peace With Germany

ARTICLES

I.—Termination of Treaties between China and Germany by War and the Opening of Tsingtao to foreign trade and residence.

II.—New Treaty of Commerce and General Relations to be based upon the principles of Equality and Reciprocity, with Germany relinquishing that of Most-Favored Nation Treatment.

III.—Withdrawal of Germany from Protocol of September 7, 1901.

IV.—Cession of German Public Property in Chinese Territory.

V.—Compensation for losses of Chinese Government and Nationals.

VI.—Reservation of Right of Claiming War Indemnity.

VII.—Reimbursement of Expenses for Internment and Maintenance of Prisoners of War.

VIII.—Restitution of Astronomical Instruments and other Works of Art.

IX.—Engagement to ratify International Opium Convention of January 23, 1912.

I

The state of war between China and Germany having terminated all treaties, conventions, protocols, agreements, contracts and other arrangements between

The SHANTUNG CASE at the CONFERENCE

them, consequently all rights, privileges, concessions, immunities and tolerances granted therein, or based thereupon, or accruing therefrom, including notably the leasehold rights of Kiaochow Bay, the Railway and Mining concessions and other rights and options in relation to the Province of Shantung, have reverted to China and or ceased to exist.

The Chinese Government, being desirous of promoting international trade and the principle of equal opportunity for the commerce and industry of all nations in Shantung Province as in other parts of the Republic, intend, as soon as they have regained possession of the leased territory of Kiaochow, to open Tsingtao therein and other suitable places in Shantung Province to foreign trade and residence.

II

Germany engages to adopt the principles of equality and reciprocity as the basis of a new treaty of commerce and general relations to be concluded with China and to relinquish therein on her part the principle of the so-called most-favored nation treatment; and the said new treaty, when concluded, shall guide all intercourse between the two countries in future.

From the signing of the Preliminaries of Peace until the conclusion and operation of such a treaty, the tariffs, dues and regulations which are or may be applied to the ships and merchandise of non-treaty powers shall be applicable to German ships and the merchandise of German origin or manufacture, it being mutually understood that China may, in accord with the common policy of the Associated Powers, prohibit or restrict resumption of trade relations between China and Germany within the above-mentioned period.

III

Germany, considering herself to have withdrawn, on August 14, 1917, from the Protocol of September 7, 1901, including all Annexes as well as all Notes and Documents supplementary thereto, relinquishes to China all the rights, privileges and claims accruing therefrom or acquired thereunder, and waives to China, furthermore, her portion of the indemnity due under the said Protocol for the period between March 14, 1917, and August 14, 1917.

IV

Germany cedes to China all the buildings, wharves, barracks, forts, arms and munitions of war, vessels of all kinds, marine cables, wireless installations and other public property belonging to the German Government which are found in the German concessions in Tientsin and Hankow and in other parts of Chinese territory, including that portion of Kiaochow formerly leased to Germany.

It is understood, however, that buildings and establishments used as diplomatic or consular offices or residences are not included in the above act of cession.

Subject to the following paragraph of this Article and reserving the right to revoke this decision in accord with the common policy of the Associated Powers, China consents to restore all private property of German subjects seized or sequestered by her on or after the declaration of the existence of a state of war between China and Germany, except where the Chinese Government deems such restoration impossible or incompatible with China's public interests, in either of which cases she may exercise the right of free disposal and make compensation to the lawful owners.

Germany, however, agrees to China's withholding all such private property or the proceeds from its sale, pending the satisfaction of the claims of the Chinese Government and nationals referred to in Articles V and VI below; and, after the said claims are satisfied, then in trust for the Powers associated with China in the war, for meeting the claims they or their subjects or citizens may prefer against Germany.

V

Germany agrees to compensate the Chinese Government and nationals for losses they have sustained in consequence of the war.

VI

China reserves her right of preferring a claim against Germany for indemnity of war expenses in accord with the decision of the Preliminary Peace Conference.

VII

Germany engages to pay all the expenses for the internment and maintenance of the prisoners of war and civilians, incurred by the Chinese Government, less the expenses of like nature incurred by the German Government.

VIII

Germany engages to restore to China, within 12 calendar months from the date of signature of the Preliminaries of Peace, all the astronomical instruments and other works of art which her troops removed in 1900-1901 from China without the latter's consent, and defray all expenses which may be incurred in effecting such restoration, including the expenses for dismounting, packing, transporting, insurance and installation in Peking.

IX

Germany engages to ratify and put in operation, within six months from the date of signature of the Preliminaries of Peace, the International Opium Convention concluded at The Hague, January 23, 1912.

(Similar articles, with slight changes, relating to peace with Austria.)

The Claim of China for Direct Restitution to Herself of the Leased Territory of Kiaochow. The Tsingtau-Tsinan Railway and Other German Rights in Respect of Shantung Province
(Contents)

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Appendices

- 1.—Convention between China and Germany respecting the Lease of Kiachow to Germany, March 6th, 1898.....
- 2.—Agreement between China and Germany respecting the Kiachow-Tsinan Railway Regulations, March 21st, 1900.....
- 3.—Convention between China and Germany respecting the withdrawal of German troops from Kiaochow and Kaomi, November 28th, 1905.....
- 4.—Agreement between authorities of Shantung and Chino-German Mining Company for delimiting Mining Areas in the Province of Shantung, July 24th, 1911.....
- 5.—Note from the Ministry of Foreign Affairs to the Diplomatic Representatives at Peking respecting Declaration of War Zone, September 3, 1914.....
- 6.—Note from the Ministry of Foreign Affairs to the Japanese Minister at Peking, protesting against violation of Neutrality, September 27, 1914..
- 7.—First Note from the Ministry of Foreign Affairs to the Japanese Minister at Peking protesting against the occupation of the Kiaochow-Tsinan Railway, September 30, 1914.....
- 8.—Note from the Japanese Minister at Peking to the Ministry of Foreign Affairs respecting the Protest against occupation of the Kiachow-Tsinan Railway, October 2nd, 1914.....

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- 9.—Second Note from Ministry of Foreign Affairs to the Japanese Minister at Peking again protesting against occupation of the Kiaochoo-Tsinan Railway, October 9th, 1914.
- 10.—First Note from the Ministry of Foreign Affairs to the British and Japanese Ministers at Peking notifying the cancellation of the War Zone, January 7th, 1915
- 11.—Note from the Japanese Minister at Peking to the Ministry of Foreign Affairs refusing to recognize the Declaration of the cancellation of the War Zone, January 9th, 1915.
- 12.—Second Note from the Ministry of Foreign Affairs to the Japanese Minister at Peking respecting the cancellation of the War Zone, January 16, 1915
- 13.—Japan's Twenty-one Demands, January 8th, 1915.
- 14.—Japan's Ultimatum to China, May 7th, 1915.
- 15.—Japan's Explanatory Note, May 8th, 1915.
- 16.—China's Reply to the Ultimatum, May 8th, 1915.
- 17.—Treaties respecting Shantung, South Manchuria and Eastern Inner Mongolia and Exchange of Notes between China and Japan, May 25th, 1915. .
- 18.—China's Declaration of War on Germany and Austria-Hungary, August 14, 1917
- 19.—Exchange of Notes between the Chinese Minister at Tokio and the Japanese Minister for Foreign Affairs respecting the construction of Chinan-Shun-teh and Kaomi-Hsuchow Railways, September 24th, 1918.
- 20.—Preliminary Contract between China and Japan respecting Chinan-Shun-teh and Kaomi-Hsuchow Railways, September 24th, 1918.
- 21.—Exchange of Notes between the Chinese Minister at Tokio and the Japanese Minister for Foreign Affairs respecting Adjustment of Questions concerning Shantung, September 24th, 1918.
- 22.—Exchange of Notes between the Chinese Minister at Tokio and the Japanese Minister for Foreign Affairs for building four Railroads in Manchuria and Mongolia, September 24th, 1918.
- 23.—Preliminary Cotract between China and Japan for building four railroads in Manchuria and Mongolia, September 28th, 1918.

The Japanese delegation at Paris presented no written or printed brief of its claims in respect to Shantung to the Conference; but it conducted through the press a propaganda which distinctly outlined Japan's attitude. The Japanese delegation had access directly to the Council of Four, while the Chinese delegation had only what amounted to a right to petition the Council of Four.

In one sense, therefore, in the Shantung question Japan was a contestant in the issue and a judge of the issue at the same time.

The "Race Equality" Question

From time to time, in the period that intervened between the disclosure of the secret Shantung agreements and the decision of the

Kiaochou question by the Council of Four, the Chinese delegation tried to press the question to a decision, and several times urged that it be given prompt consideration. The Japanese influence, however, was exerted to delay a settlement of the question. Japan was playing a waiting game, apparently in the hope that a turn of events would provide a favorable opportunity to press Japan's claims. As a convenient diversion, the Japanese delegation brought forward the race equality question by proposing that a clause of that bearing should be inserted in the Covenant of the proposed League of Nations. In a memorandum that I wrote and submitted to the Chinese delegation at Paris, and also to the Far Eastern experts who were attached to the American Commission, I analyzed that question as follows:

By Thomas F. Millard
Paris, April 6, 1919

**Japan, "Race Equality," and the League of Nations
Economic Relation of Japanese and Other Orientals**

In comparison with their neighboring Oriental peoples, the Japanese are now on a considerably higher economic plane as to earnings and living standards. Consequently, Japanese are unable to compete on equal terms and conditions with Chinese, Koreans, and Indians. That Japanese, and the Japanese Government, recognize this condition is shown by reports of special commissions and by the published writings of many Japanese authorities. It furthermore is proven by the fact that Chinese and other Oriental laborers are excluded from free competition with Japanese in Japan by restrictions on immigration; and also by regulations favoring Japanese in Formosa and Korea (countries now governed by Japan) over the natives in order to enable Japanese to compete with the native labor and production, and also in commerce. Placed side by side anywhere, on equal conditions, Chinese easily undermine and supersede the Japanese in all forms of manual labor, in most forms of modern mechanical industry, and in lesser manufacturing and commercial enterprises and operations.

Japanese Emigration to Western Countries

The modern issue of so-called "racial equality," as advanced by Japan, has sprung from conditions arising out of Japanese emigration to Western countries, principally in the United States of America. It should be recognized fully, however, that the objections to Japanese immigration in the United States are not founded really on racial reasons, although racial characteristics have an influence in the matter, and ordinary persons are unable to distinguish between economic reactions due to the presence of Asiatics and the racial qualities of Asiatics. The real objection to Japanese immigration into the United States so far is economic, but with the possibility, in the event of unrestricted immigration, of developing a genuine racial issue.

In respect, for instance, to the attitude of the Japanese Government toward the restraints put upon the immigration of Japanese to the United States, the question in its original form involved only Japanese. The Japanese Government did not then pretend to be concerned (nor could it properly so act) about the

position of Chinese and other Orientals in America. It was merely trying to better the position of its own nationals. Later, however, the Japanese Government perceived the usefulness of this issue, when presented in a certain form, to the Pan-Asian propoganda which for a number of years Japan has been carrying on in all Asiatic countries, and it was extended, as a doctrine, to its present "race equality" form.

"Race Equality" and Immigration

Race equality as a universal human and international principle is one thing; the desire of the Japanese Government to gain admission for its nationals into Western countries is quite another. The two propositions superficially seem identical: they really are antagonistic.

When the Japanese Government has in recent times tried to secure admission of Japanese into Western countries, and their residence there on equal terms with white peoples, it has had in mind the advantages and national pride of Japanese exclusively.

If Japanese would be admitted freely into the United States and / or other Western countries, and would enjoy the same rights in those countries as immigrants of Caucasian origins, Japan and the Japanese emigrants to those countries would benefit greatly because of their economic advantages over the native and other white residents. But if ALL Oriental peoples should have the same privileges and rights, then the practical advantages to Japan and to Japanese of such a status would vanish, for other Oriental immigrants would undercut the Japanese almost as easily and effectively as the Japanese undercut the Western natives. Eventually, therefore, the result of such a status of Orientals in Western countries would cause the elimination of the Japanese there, because in numbers, closer economic shaving, and lower standards of living, the other Orientals have the advantage over Japanese. That the application of any genuine "racial equality" to the question of immigration among nations would, in the case of Japan, tend to defeat Japan's objects in contending on the issue, is by now understood by the Japanese Government.

The Japanese Government, therefore, does not really desire to have a genuine application of the "racial equality" principle to the immigration issue.

Japan's Reasons for Raising this Issue at the Peace Conference

Japan's reasons for raising the "race equality" question at the Peace Conference in connection with the proposed Covenant of a League of Nations, can be epitomized as follows:

- (a) For its bearing on Japan's Pan-Asian propoganda.
- (b) To create sympathy for Japan in Western countries.
- (c) In case Japan's request is rejected, to enable Japan to pose as having a grievance which should be redressed or compensated by the Conference.
- (d) In case Japan's request is granted by the Conference, it will enable the Japanese Delegation and the Japanese Government (the present Ministry) to present something to assuage popular disappointment in Japan if other and vastly more important matters concerning Japan are rejected by the Conference.

Relation of Japan's Present Situation to this Question

The symptoms of political, social and industrial unrest in Japan, together with other factors, indicate almost with certainty that hereafter Japan cannot succeed in equalizing the economic plane of Japanese with that of other Orientals; on the contrary, there is every prospect of a further widening of the margin of difference.

In that event, the only way by which the Japanese Government could apply an international "race equality" principle to the advantage of Japanese in Western countries, would be by Japan obtaining the political and economic hegemony of China and other Asiatic nations, in which case Japan could regulate matters so that (as the Japanese Government does now with Koreans and Formosans) Japanese exclusively would come under that status.

To obtain the hegemony of Eastern Asia has been the chief purpose of Japan's war policy, and it was the major object of the Japanese Government at the Peace Conference.

Danger to China of this Situation

In case Japan, as a result of sympathetic and other reactions of the "race equality" question, and its treatment by the Conference, should succeed in obtaining something in the nature of redress and compensation, it is obvious that any such compensation or redress is apt to be at the expense of China, by confirmation by the Conference, in the Treaty of Peace, or by supplementary action, of the secret treaties confirming Japan's aggressions in China made by the British, French, Russian and Italian governments during the war, and before the United States became a belligerent.

This aspect and possibility of the question gives Japan's agitation of the "race equality" question a significance far beyond its apparent content.

The Question and Western Nations

In view of the conditions which would make the translation of a "race equality" clause or commitment in the Covenant of the League of Nations into a practical application to the immigration question disadvantageous to Japan, it may be safely assumed that a vaguely worded clause of that import in the Covenant need give no especial uneasiness to Western countries which have reason to dread an influx of Orientals. This probably is the reason why (as is reported) the American Government does not especially object to the placation of Japan and Asiatic peoples by enacting such a clause, while at the same time the American people are firm in purpose strictly to regulate, and if need be to exclude Asiatic and any other immigration.

As far as I could judge, all of the official experts on the Far East attached to the principal governments at the Conference regarded Japan's introduction of the race equality question as a diplomatic "herring." None of the American experts felt any uneasiness at the suggestion that Japan should be conciliated by inserting some generalization about race equality into the preamble of the League Covenant. On the contrary, it was felt that by doing that Japan would be deftly deprived of an alleged "grievance." A proposal that the

League Covenant would recognize race equality of course could not be opposed by the other Oriental nations represented at the Conference. The Chinese delegation was fully aware of the true character of this move of Japan, but when the question came up before the Council of Ten the Chinese representative voted for it. It was well understood that the real objectors to a recognition of race equality by the Covenant were the Australasians; yet when the question came up at a plenary session of the Conference, President Wilson somehow was induced to be the spokesman of the explanation for rejecting Japan's proposal. There was not sufficient need, that I can see, for the United States to assume, in the eyes of the Oriental and African peoples, a responsibility that in fact rested in another quarter.

China's Compromise Proposal Rejected

During the months of February, March, and April, the Japanese delegation at Paris outwardly maintained a reticent and non-committal attitude toward the Shantung question, while privately seeking to defer its settlement until a situation favorable to Japan's purposes arose. From various circumstances, and statements given out from time to time by members of the Japanese delegation, it became plain that Japan's most plausible argument why the German holdings in Shantung should be given directly to Japan was that, since the Japanese Government repeatedly had announced its intention to restore Shantung province and Kiaochow to China, after obtaining the German holdings there, to interfere with that process would reflect on Japan's honor, an inference intolerable to Japan. This phase of the question was carefully considered by the Chinese delegation, with a result that on April 23, 1919, it proposed in writing to the Council of Four a compromise designed to meet that argument of Japan, in four clauses. That proposal is still among the confidential papers of the Conference; but I know its contents, and will paraphrase the four articles as follows:

1. The German rights in Shantung to be ceded by Germany to the Five Principal Powers (Great Britain, France, Japan, Italy, and the United States) to be returned eventually to China.
2. Japan to engage to evacuate Shantung and Kiaochow within one year after peace was made.
3. China would repay to Japan her expenses for military and naval operations in the taking of Kiaochow from the Germans.

4. China would create an international settlement and port at Tsingtau to extend for the time that other such settlements exist in China.

While not willing, and not having the authority, to consent at that time to a cession of the German leasehold to Japan, some of the Chinese delegates intimated to the Council of Four that in their opinion China would consent to modify Article 1 in the above list so that Japan would obtain the direct cession of the German rights to be returned to China, provided the Council of Four were joint trustees. China's offer to reimburse Japan for her expenses disposed of Japan's claim regarding her sacrifices in so far as money restitution could do that.

A short time before the Council of Four decided the Shantung question, the Fiume incident had injected a serious discord into the Conference, and the Italian delegation had withdrawn. In his statement regarding the Fiume question, President Wilson (who probably was spokesman also for the British and French members of the Council of Four) laid down principles closely analogous to those involved in the Shantung matter. On the day that the President's Fiume statement was issued, I wrote a memorandum, as follows:

**Analogy of President Wilson's Statement Re the Adriatic Situation to the
Case of China**

As to Principle and Reasoning

The President's statement says: "When Italy entered the war she entered upon the basis of a definite, but private, understanding with Great Britain and France now known as the Pact of London. Since that time the whole face of circumstances has been altered. Many other powers, great and small, have entered the struggle, with no knowledge of that private understanding."

Thus the President proceeds to argue that secret agreements among belligerents made during the course of the war may, as a matter of fact and also of principle, become abrogated by events. He further argues that such agreements are liable to be subordinated, and that they ought to be subordinated, in making peace, to an adjustment to the principles which were publicly accepted by the nations in the Allies group as the basis for peace.

The relation of this argument to the case of China at the Peace Conference is plain, with respect to the secret agreements about the disposition of former German tenure and rights in Shantung; in short, those secret agreements cannot be held as binding now.

With respect to the agreements relating to German tenure in Shantung made during the war between the Japanese and the Chinese governments, the position of China is that those agreements were obtained by intimidation, and therefore they cannot be presented now as instruments which the Peace Conference should validate by its acts. The analogy of those agreements and the treaties wrung by Germany from Russia and Roumania is apparent.

As to Responsibility of the United States

With respect to the Adriatic and other European questions, the American Government is committed to no policy by any previous acts or agreements. In the case of China, however, the American Government did assume moral responsibilities by inducing China to enter the war, by previous undertakings to preserve the territorial integrity and political autonomy of China, and under a treaty with China, made in 1858.

After the statement of President Wilson on the Adriatic question and when China had opened a way to "save Japan's face" in the matter, the Chinese delegation were very hopeful of obtaining a settlement of the Shantung question which China could accept. The compromise proposed by China also was acceptable to the American, British, and French representatives on the Council of Four [the Italian representative had withdrawn temporarily because of the Fiume incident], but owing to the objections of Japan, the Council rejected the proposal and awarded the German "rights" in Shantung to Japan unconditionally.

(Note.—In a conference on August 19, 1919, at the White House, Washington, President Wilson told the Senate Committee on Foreign Relations that unanimous agreement of the Council of Four was required on all important questions. This rule virtually empowered Japan to decide the Shantung question alone, which she did.)

The Shantung Clauses of the Treaty

The clauses that were inserted in the Treaty (drafted, it is understood, by the Japanese delegation) follow:

Article 15

Germany renounces in favor of Japan all her rights, title and privileges—particularly those concerning the territory of Kiaochow, railways, mines, and submarine cables—which she acquired in virtue of the treaty concluded by her with China on March 6, 1898, and of all other arrangements relative to the Province of Shantung.

All German rights in the Tsingtao-Tsinanfu Railway, including its branch lines, together with its subsidiary of all kinds, stations, shops, fixed and rolling stock, mines, plant and material, for the exploitation of the mines, are and remain acquired together with all rights and privileges attaching thereto.

The German state submarine cables from Tsingtau to Shanghai and from Tsingtao to Chefoo, with all the rights, privileges and properties attached thereto, are similarly acquired by Japan free and clear of all charges and incumbrances.

Article 157

The movable and immovable property owned by the German state in all territory of Kiaochow, as well as all the rights which Germany might claim in consequence of the works or improvements made, or of the expenses incurred by her,

directly or indirectly, in connection with this territory, are and remain acquired by Japan free and clear of all charges and incumbrances.

Article 158

Germany shall hand over to Japan within three months from the coming into force of the present treaty the archives, registers, plans, title deeds and documents of every kind, wherever they may be, relating to the administration, whether civil, military, financial, judicial or other, of the territory of Kiaochow.

Within the same period Germany shall give particulars to Japan of all treaties, arrangements or agreements relating to the right, title or privileges referred to in the two preceding articles.

The Treaty, the League, and "Regional Understandings"

I was present when the explanation of President Wilson of his reasons for consenting to the Shantung award to Japan was communicated to the Chinese delegation at Paris. That explanation, briefly, was to the effect that the President was fearful of a disruption of the conference (presumably by Japan's threat to withdraw and also because of intimations that, in case Japan withdrew, Great Britain might not be able to sign the treaty), and that in order to secure Japan's adherence to a League of Nations he had thought it necessary to accept a solution that was insisted on by Japan. It was the President's view, so the Chinese delegation was told, that China would eventually secure justice from the League of Nations.

To that explanation one of the Chinese envoys replied:

Firstly, the League of Nations had no existence.

Secondly, if a League of Nations should be organized its powers and authority will be problematical.

Thirdly, the real ruling force in any League constituted at this time will be the same major Powers that composed the Council of Five at Paris and which made the decision in the Shantung question.

Fourthly, that it is not logical to assume that a League of Nations created by the same body as the Treaty and in conjunction with the Treaty is designed to reverse the terms of the Treaty.

Fifthly, that it is only the so-called weak nations that are asked to depend for justice and security upon the League of Nations, while the so-called Powers openly decline to rest their own positions and security on the League alone and plainly regard its assurance to be insufficient.

China's grounds for regarding as inadequate the vague assurance that any injustice done to her by the Shantung award in the Paris treaty will be rectified by a League of Nations are plainly revealed by an examination of the terms of the Treaty in conjunction with the

proposed Covenant of the League. I quote Articles X and XXI of the proposed Covenant:

Article X—The Members of the League undertake to respect and preserve as against external aggression the territorial integrity and the existing political independence of all Members of the League.

Article XXI—Nothing in this Covenant shall be deemed to affect the validity of international engagements such as treaties of arbitration or regional understandings like the Monroe Doctrine for securing the maintenance of peace.

Under a reasonable legal interpretation, the "territorial integrity" of the members of the League designated in Article X, and which the members of the League are obligated to "preserve," will be the status that is established by the Treaty that was adopted by the same Conference and in conjunction with the creation of the League, and which gives Japan a definite position in Shantung.

Article XXI of the proposed Covenant defines the Monroe Doctrine as a "regional understanding." It also provides a way to make valid other existing regional understandings that are in existence, and new ones that may hereafter secure the League's endorsement.

Let us now see what "regional understandings" about Asia are or may be validated by this article of the Covenant. Published and known regional agreements which bear directly and indirectly on the position of China are: :

(a) The various notes exchanged between the Powers (the United States, Great Britain, Japan, France, Germany and Russia), constituting what is known as the Hay Doctrine. This doctrine promulgated by the United States in 1899 (although first advocated by British statesmen), and constitutes the only existing formal international policy regarding China.

(b) Anglo-Japanese alliance; first signed on January 30, 1902; revised and renewed, August 12, 1905; revised and renewed, July 13, 1911.

(c) Franco-Japanese arrangement signed June 10, 1907.

(d) Russo-Japanese treaty of peace, signed September 5, 1905.

(e) Russo-British convention signed August 31, 1907.

(f) Convention between Japan and Russia, signed July 30, 1907.

(g) Secret Russo-Japanese agreements signed on July 17, 1907; June 21, 1910; July 4, 1910; June 25, 1912; July 8, 1912; and June 20, 1916. The existence of these agreements was revealed by the publication of documents after the revolution in Russia, but the texts of all of them have not yet been published. The text of the secret alliance of 1916, made during the Great War, has been published.

- (h) Russo-British agreement signed April 28, 1899.
- (i) Agreements between Great Britain and France made January 15, 1896.
- (j) French agreement, September, 1914.
- (k) Anglo-Chinese agreements of September 2, 1898, and October 16, 1900.
- (m) Root-Takahira agreement (United States and Japan) signed on November 30, 1908.
- (n) Lansing-Ishii agreement (United States and Japan) signed on November 2, 1917.
- (o) Secret agreement made by Great Britain and France (known as the Sykes-Picot treaty) in 1916, relating to western Asia.

I am not sure that the above list includes all the "regional understandings" about Asia that are in existence, for new secret agreements frequently come to light; but it includes the more important agreements made prior to the peace conference at Paris. Some of those agreements actually or presumably are abrogated now. The Anglo-German regional understandings regarding China were wiped out by the declaration of war between those Powers, but I mention them for a reason. China's main contention at the peace conference for recession to China of the former German leaseholds and concessions in China was that those German rights were formally cancelled when China declared war against Germany, and therefore the conference could only cede the German rights to Japan in the treaty by first re-investing Germany with those rights. To reinvest Germany with treaty rights in China which had been formally abrogated and denounced by declaration of war would seem also to restore Germany's regional understandings in China with her other enemy Powers; the Conference, however, confined the application of that reasoning to Chinese-German agreements exclusively.

The situation that may be created in respect to a possible revival of the "regional understanding" hypothesis applied to China as a result of the Treaty and Covenant drafted at Paris is somewhat elucidated in a memorandum I wrote, which was incorporated in the hearings of the United States Senate Committee on Foreign Relations on August 22, 1919.

"Regional Understandings" and the Shantung Decision

By THOMAS F. MILLARD
August 20, 1919

Definition of Regional Understandings

Article XXI of the proposed Covenant of the League of Nations validates "regional understandings like the Monroe Doctrine" which are in existence at

the time the League is organized, and other such understandings made later that are approved by the League.

Another Article of the Covenant provides that all Members of the League must inform all the other members of any and all treaties, agreements, pacts, alliances, and regional understandings (or the Article is presumed to have that meaning), that exist among Members of the League, or between Members of the League and nations not members of the League.

A reading of the various Articles of the Covenant bearing on this phase of international relations under the League indicates that Members of the League will have until a time after the formal organization of the League to make, and to declare whatever regional understandings they have, and that such regional understandings thus formally declared to the League within that time shall be recognized as valid.

A point has been advanced that only regional understandings which properly are "like the Monroe Doctrine" will be made valid by Article XXI of the Covenant.

Conditions Affecting Interpretation of Article XXI

Only the Monroe Doctrine is mentioned by name in Article XXI as being a valid regional understanding under the terms of the Covenant.

But the language of the Article expressly indicates that it is the purpose of the Article to validate regional understandings other than the Monroe Doctrine.

It may be that, subsequent to the organization of a League, a question may be raised upon the presentation of some regional understanding, as to whether it is "like the Monroe Doctrine." If a difference of view develops on that point, it would be a question to be decided by the governing body of the League. The decision of the question in each particular case would depend on the alignment of votes in the governing body of the League.

For the purpose of the argument, let us assume, for instance, that after the American Government signs the Treaty of Peace and the Covenant and an Anglo-French-American alliance in the present form of those treaties, the League is formally notified of a regional understanding covering Asia entered into naturally by the British, French, and Japanese governments.

Let us further assume that that regional understanding would be regarded by the American Government as not "like the Monroe Doctrine," but, on the contrary, as being subversive of the principles of the Monroe Doctrine in Asia, the Hay Doctrine. In that case, the American Government probably would enter objection to such an arrangement as being not in conformity with Article XXI.

In such a case, it is probable that the British and French and Japanese governments would take an opposite view of the meaning of Article XXI, whereupon the issue would depend on a vote of the governing body of the League.

The constitution of the governing body of the League is such that it would be almost certain that the American Government would be outvoted on such an issue.

If it was held (and accepted) that four Powers directly involved in the dispute should be excluded, and they were excluded, and the decision was left to the remaining members of the governing body, it also is practically certain that the American Government would be outvoted, for these reasons:

- (a) There are known to exist more than twenty regional understandings about Asia, involving all the Great Powers except the United States.

Also, it is suspected that several other regional understandings exist whose texts never have been disclosed.

- (b) Outside of Asia, there are many known and probably also many secret regional understandings in existence, involving all of the Great Powers except the United States, and also involving a majority of the lesser nations that are expected to be Members of the League.
- (c) That condition establishes a situation whereby almost all the members of the League except the United States have regional understandings which they may desire to make valid under the League. In that situation, it is highly probable, and it certainly is possible, that members having regional understandings which they want to sustain will combine to define Article XXI as meaning to include regional understandings of whatever character that were made before the formal organization of the League.

The Application to China and the Hay Doctrine

Ever since the Paris Conference met there have been several distinct intimations of the purpose of some of the Principal Powers to advance certain regional understandings about China as the basis for international action regarding China.

In connection with the newly formed international (four-power) financial group to operate in China, it already is reported that the Japanese Government will insist that Manchuria and Shantung will be excepted from the operations of the Group, Japan reserving those regions for exclusive economic exploitation.

If the Japanese Government has developed, or subsequently does develop this attitude, it can be taken for certain that the British, French and other governments which have regional understandings about China based on the "sphere of influence" there will insist in maintaining their exclusive rights under those regional understandings.

That would array three of the four members of the new financial Group in opposition to the American member of the Group, and, since the United States has no "sphere" or any regional understandings regarding China or Asia giving it any special privileges in any region, such a situation will be tantamount to excluding America, will defeat the announced purposes and objects of the banking Group.

Such a situation will effectively prevent any effort to relieve China of the "sphere" condition, and will fasten it upon her more strongly than before.

NOTE.—The statements of the President at his conference with the Senate Foreign Relations Committee on August 19 positively demonstrated how the existence of secret regional understandings can compel, or induce, the American Government to yield on important questions.

Statements by Chinese Peace Delegation

The following statement was issued by the Chinese delegation to the press on May 3, 1919, after it had been informed of the decision of the Council of Three relating to the Kiaochow-Shantung question:

The Chinese delegation views with astonishment the settlement proposed by the Council of Three in regard to the Shantung question. China came to the Conference with confidence in the strong and lofty principles adopted by the Allied and Associated Powers as the basis of a just and permanent world peace. Great,

therefore, will be the disappointment and disillusionment of the Chinese people over the proposed settlement. If there was reason for the Council to stand firm on the question of Fiume, there would seem all the more reason to uphold China's claim relating to Shantung, which involves the future welfare of 36,000,000 souls and the highest interests of peace in the Far East.

On the afternoon of May 1st, the Chinese Delegation was verbally informed by the Council of Three of an outline of the settlement. Under this settlement all rights in Kiaochow-Shantung formerly belonging to Germany are to be transferred without reservation to Japan. While Japan voluntarily engages to hand back the Shantung peninsula in full sovereignty to China, she is allowed to retain the economic privileges formerly enjoyed by Germany, which, the Delegation is informed, refer to the Tsingtao-Tsinan railway, 280 miles in length, the mines connected therewith, and two railways to be built connecting Shantung with the trunk lines running from Peking to the Yangtze Valley. In addition, she obtains the right to establish a settlement at Tsingtao. Though the Japanese military forces are, it is understood, to be withdrawn from Shantung at the earliest possible moment, the employment of special railway police is permitted.

The German rights in Shantung, it will be recalled, originated in an act of wanton aggression in 1897, characteristic of Prussian militarism. To transfer these rights to Japan, as the Council of Three has proposed to do, is therefore to perpetuate an act of aggression which has been resented by the Chinese people ever since its perpetration.

Moreover, owing to China's declaration of war against the Teutonic Powers on August 14, 1917, and the abrogation of all treaties and agreements between China and these powers, the German rights automatically reverted to China. This declaration was officially notified to, and taken cognizance of, by the Allied and Associated Governments. It is therefore significant that the Council, in announcing the settlement of the Kiaochow-Shantung question, referred to the rights to be transferred to Japan as "rights formerly belonging to Germany." It appears clear that the Council has been bestowing to Japan rights, not of Germany but of China, not of the enemy but of an Ally. A more powerful Ally has reaped benefits at the expense, not of the common enemy, but of a weaker Ally.

Such virtual substitution of Japan for Germany in Shantung, serious enough in itself, becomes grave when the position of Japan in South Manchuria and Eastern Inner Mongolia is read in connection with it. Firmly entrenched on both sides of the Gulf of Peichili—the water outlet of Peking—with a hold on three trunk lines issuing from Peking and connecting it with the rest of China, the capital becomes but an enclave in the midst of Japanese influence.

Besides, Shantung is China's holy land, packed with memories of Confucius and hallowed as the cradle of Chinese civilization. If it is the intention of the Council to restore it to China, it is difficult to see on what consideration of principle or expediency can be justified the transfer in the first instance to an alien power who then "voluntarily engages" to hand it back to its rightful owner.

Japan has based her claim for the German rights in Shantung also on the treaty notes of 1915 and on the notes of 1918 with China. It is to be noted, however, that the documents of 1915 were agreed to by China under the coercion of an ultimatum from Japan threatening war in case of non-compliance with the Twenty-one Demands. The notes of 1918 were made by China as a price for Japan's promise to withdraw her troops whose presence in the interior of Shan-

tung as well as the establishment of Japanese civil administration bureaux therein had aroused such popular opposition that the Chinese Government felt constrained to make the arrangement.

The Chinese Delegation understands that the decision of the Council has been prompted by the fact that Great Britain and France had undertaken in February and March, 1917, to support at the Peace Conference the claim of Japan to German rights in Shantung. To none of these secret agreements, however, was China a party, nor was she informed of their contents when she was invited to join the war against the Central Powers. The fortunes of China appear thus to have been an object of negotiation and compensation after she had already aligned herself with the Allied cause. Apart from this, it is at least open to question how far these agreements are still applicable, inasmuch as China has since become a co-belligerent. The claims of Japan referred to in these agreements appear, moreover, scarcely compatible with the Fourteen Points formally adopted by the Powers associated against Germany.

If the Council has granted the claims of Japan in full for the purpose of saving the League of Nations, as has been intimated to be the case, China of course would have less reason to complain, believing as she does that it is a duty to make sacrifices for such a noble cause as the establishment of a League of Nations. The Chinese Delegation cannot, however, refrain from wishing that the Council had seen fit, as it would be far more consonant with the spirit of the League now on the eve of formation, to call upon strong Japan to forego her claims animated only by a desire for aggrandizement, instead of upon weak China to surrender what was hers by right.

On May 4 the Chinese Delegation issued the following statement to the press:

New light on the settlement of the Kiaochow-Shantung question has made the Chinese Delegation indignant. Though three days have elapsed since the settlement by the Council of Three was announced, no official written communication on the details of the settlement has yet reached the Delegation. While still waiting in suspense, the Delegation has learned with surprise that the clauses to be inserted in the Peace Treaty relating to the Shantung question are worded in the sweeping language of conquest. These clauses go further than what was even suspected. Japan is given everything which Germany obtained from China by aggression, and more.

Japan is given all her rights, titles or privileges—concerning especially the territory of Kiaochow, the railways, the mines and the submarine cables—which Germany acquired by virtue of treaty concluded by her with China, March 6, 1898, and of all other acts concerning the Province of Shantung.

Japan is given all German rights in the Tsingtao-Tsinan Railway, including its branches and the mines thereto attached.

Japan is given all the German submarine cables from Tsingtao to Shanghai and from Tsingtao to Chefoo.

Japan is given all the German public property rights movable and immovable in the territory of Kiaochow.

Although China has the best title to these rights, which are all in Chinese territory, not a word is said in the draft clauses as to what rights China may expect to recover for herself. It is left entirely to Japan to say what she will be

pleased to return to China and what to retain for her own enjoyment. The important facts seems to be altogether ignored that Shantung is a Chinese Province.

The Tsingtao-Tsinan railway was built with Chinese and German private capital. The whole line of 280 miles lies entirely in Chinese territory. To substitute Japan for Germany in the rights of the railway is to greatly endanger the welfare and security of the Chinese Republic, because Japan is much nearer to China than Germany, and because she already claims a sphere of influence in Manchuria closely to the north of Shantung.

Reading the draft clauses together with the outline of the Council's proposed settlement, it is clear that the Council makes China lose both ways: it has given Japan not only more than Germany had in Shantung, but also more than Japan claimed from China in the treaty of 1915 and the notes of 1918. The Council's proposed settlement seems to sanction, for example, the policing of the Shantung railway—a privilege which Germany did not exercise or claim, and, it is apprehended, substitutes a permanent Japanese settlement under Japanese control and administration for a German leasehold limited to a fixed period of years. By transferring to Japan all German rights in Shantung, as stated in the draft clauses, it also appears to give Japan preferential rights which she did not claim from China, such as in the supply of capital, materials or technical experts in Shantung Province.

The more the Chinese Delegation studies the proposed settlement the less it understands its meaning and purpose and the more it feels aggrieved. It will be difficult to explain to the Chinese people what the Peace Conference really means by justice.

Chinese Delegation Denied Information

During the whole period of the Conference from its organization to the Shantung decision of the Council of Four the Chinese Delegation had striven to maintain close intimacy with the American Commission, and had advised it of all important moves made and contemplated by China.

Immediately after the decision was announced the Chinese Delegation took steps to obtain a *Precis* of the minutes of the Council of Four containing the record of whatever promises Japan had made regarding the restoration of Shantung to China. A written request for this information was made to the Council of Four on April 30, the day of the decision. To this time (1920) China has not obtained a copy of those minutes, nor have they been made public.

On May 1 members of the Chinese Delegation saw Mr. Arthur J. Balfour, the British Minister of Foreign Affairs, and asked for a written statement of exactly what Japan had promised. The Chinese Delegation addressed the Council of Four formally as follows:

Delegation Chinoise au Congress de la Paix

Paris, May 4, 1919.

Sir:

The Rt. Hon. Arthur J. Balfour, on behalf of the Council of Three, verbally informed the Chinese Delegates on May 1, 1919, of the settlement arrived at by

the Council in regard to the Kiaochow-Shantung question. They were given to understand that the clause to be inserted in the Peace Treaty would be very general, to the effect that Germany should renounce all her rights in Kiaochow-Shantung to Japan; that the conclusion reached by the Council of Three regarding Kiaochow-Shantung was that all political rights formerly enjoyed by Germany were to be restored to China; and to Japan were to be given only the economic rights such as a settlement at Tsingtao, the railway already built (Tsingtao-Tsinan railway), the mines connected therewith, and two other railways to be built.

They were given to understand further that Japan had given explicit assurances to the Council that in exercising the rights thus given her, she will strictly observe the principle of the Open Door in letter and spirit, that she had announced to the Council that her policy was to restore full sovereignty in the Shantung Peninsula to China, and that she would not make any exclusive economic use of the port of Tsingtao or any discriminatory rates, rules or regulations for the railways. Japan had also stated to the Council that she would at the earliest possible moment hand back all the political rights to China and withdraw all Japanese troops from Shantung. In the arrangement of this settlement everything had been made so clear that no undesirable references could be drawn therefrom by Japan in regard to her position in the affairs of the Far East.

After listening to the outline of the proposed settlement communicated to them by Mr. Balfour, the Chinese Delegates expressed their disappointment, and requested him to be good enough to ask the Council of Three to send them at the earliest convenience a copy of the draft clause to be inserted in the Peace Treaty and of the records of the proceedings of the Council bearing on the Kiaochow-Shantung question.

The Chinese Delegation have carefully considered the above outline of the proposed settlement. They would have waited for the complete records before expressing their view of it, but for reasons of urgency, assuming that the above is a correct summary of what Mr. Balfour explained to them, the Chinese Delegation feel constrained to express their keen disappointment, which will be shared in all its intensity by the Chinese Nation, and enter a formal protest in the name of justice.

The declaration of war by China against Germany and Austria-Hungary on August 14, 1917, expressly abrogated all treaties, agreements and conventions between China and those Powers, a fact which was officially notified to, and taken cognizance of, by the Allied and Associated Powers. By this declaration, the rights and privileges formerly enjoyed in the Province of Shantung became null and void and China as the sovereign power in that province, became automatically reinvested of them. It is difficult to see on what grounds these rights can be taken from China and transferred to Japan.

Japan has presumably based her claim on the agreements of 1915 and on the notes of 1918 with China. The 1915 agreements were, however, concluded by China under coercion of a Japanese ultimatum threatening war. The Chinese Government was obliged to exchange the 1918 notes because the continued presence of the Japanese troops in the interior of Shantung and the unauthorized establishment of Japanese civil administrative bureaux which attempted to govern Shantung as Japanese territory, aroused such popular indignation and opposition that no other course seemed open to the Chinese Government to rid the Province of their presence.

The SHANTUNG CASE at the CONFERENCE

If the Shantung peninsula is to be restored in full sovereignty, according to the proposed settlement, to China, the reason does not appear clear why recourse should be had to two steps instead of one, why the initial transfer should be made to Japan and then leave it to her to "voluntarily engage" to restore it to China.

Notwithstanding the proposed division of political and economic right, the substitution of Japan for Germany in Shantung so entrenches Japanese influence in this Province as to expose China to a greater menace than before because Japan is nearer to China than Germany.

China, in coming to the Peace Conference, has relied on the Fourteen Points set forth by President Wilson in his address to Congress on the 8th of January, 1918, and the principles laid down in his subsequent addresses, and formally adopted by the Powers associated against Germany. She has relied on the spirit of honorable relationship between states which is to open a new era in the world and inaugurate the League of Nations. She has relied, above all, on the justice and equity of her case. The result has been to her a grievous disappointment.

The Chinese Delegation feel it to be their duty to register a formal protest with the Council of Three against the proposed settlement of the Kiaochow-Shantung question.

I have the honor to be, Sir,

Your most obedient humble servant,

(Signed) LOU TSENG TSIANG.

To the President, the Council of Three, Peace Conference, Paris.

On May 9 Mr. Balfour replied, merely enclosing a draft of the Shantung provisions of the Treaty, and enclosing a published statement which had been given out, in vague terms, by Baron Makino. Pressed for a more definite reply, on May 13 Mr. Balfour wrote to the Chinese delegation to the effect that the previous statements, and the press statement of Baron Makino, contained all that the Council of Four thought it necessary to say then.

The Chinese delegation then made several appeals to President Wilson, but without avail.

At the session of the whole Conference, on May 6, when the summary of the Treaty was read to the delegates, Hon. Lou Tseng Tsiang, head of the Chinese Delegation, rose and entered a protest at the Shantung clauses, notwithstanding that diplomatic influence was brought to bear on the Chinese delegates to prevent a protest.

China's next official move is indicated in the following communication:

Delegation Chinoise au Congres de la Paix

May 26, 1919.

Mr. President:

The Council of Prime Ministers having announced on April 30th their conclusion in respect of the question of the disposal of German rights in the Chinese Province of Shantung, I, in behalf of the Chinese Delegation, addressed to the Council a formal protest against it on May 4th. Subsequently at the Plenary

Session of the Preliminary Peace Conference on May 6th when a summary of the Conditions of Peace with Germany was read, I made a reservation on the clauses relating to the disposal of German rights in Kiaochow-Shantung, which appeared to be based exclusively upon the Council's conclusion.

In the evening of May 7th, after the German Plenipotentiaries had been handed the full text of the "Conditions of Peace," the Chinese Delegation received a copy of the text from the Conference. Examination of Articles 156, 157 and 158, which deal with the Kiaochow-Shantung question, makes China's disappointment all the more poignant. Not only no provision is made therein for safeguarding the rights of China as the territorial sovereign over the entire Province of Shantung and insuring the welfare of the millions of Chinese people who have inhabited it from time immemorial, but the said three Articles are also couched in such language as unmistakably to convey the painful impression to the Chinese people, who yield to none in their love for their fatherland, that the transfer of all the rights, title and privileges provided therein, while nominally asked of Germany, is in reality to be made only at the expense of a loyal partner in the war on the side of the Allied and Associated Powers.

The announcement of the Council's conclusion on the Kiaochow-Shantung question has caused a nation-wide disappointment in China and evoked voices of protest from the Chinese people everywhere. The Chinese Delegation have received messages from the Parliament, the Provincial Legislatures, the Chambers of Commerce, Educational and Agricultural Associations, and other important organizations both in China and abroad, urging the Chinese Delegates not to sign the Treaty of Peace with Germany.

In view of this unmistakable indication of the views of the Chinese people, the Chinese Government have little choice as to the course open to them to take vis-à-vis the Treaty of Peace with Germany; but sincerely desirous to avoid, if possible, any step capable of being construed as marring the unity of purpose of the Allied and Associated Powers in restoring peace to the world, as in prosecuting the war against Germany, they have decided to sign the Treaty of Peace with Germany under the reservation already made at the Plenary Session held on May 6th, in respect of the clauses relating to the transfer of German rights in Shantung. In coming to this decision, the Chinese Government desire to assure you, however, that their objection is not to the renunciation by Germany of her rights, title, and privileges in Shantung, but solely to such renunciation being made in favor of Japan, to the prejudice of China's sovereign rights.

Pursuant to instructions from my Government, I have the honor, therefore, to inform you that the Chinese plenipotentiaries will sign for the Republic of China the Treaty of Peace with Germany under the reservation made and recorded in the minutes of the proceedings of the Plenary Session of the Preliminary Peace Conference on May 6, 1919.

I avail myself of this opportunity to renew to you, Sir, the assurances of my highest consideration.

LOU TSENG TSIANG.

Son Excellence Monsieur Clemenceau,
President of Peace Conference.

Chinese Refused to Sign Treaty

During the month following the Shantung decision much pressure was brought to bear on the Chinese Delegation at Paris, and on the

Chinese Government at Peking, to induce China to sign the Treaty unconditionally, but without effect. On the day set for the signing of the Treaty at Versailles, the following Notes were exchanged between the Chinese Delegation at Paris and the Council of Four [my italics]:

Delegation Chinoise

Pursuant to instructions from its Government, the Chinese Delegation notified you by letter of May 26, 1919, that the Chinese Plenipotentiaries would sign for the Republic of China the Treaty of Peace with Germany under the reservation made by the Chinese Delegation and recorded in the Protocol of the Plenary Session of the Preliminary Peace Conference on May 6, 1919, relating to Articles 156, 157, and 158 in the said Treaty relating to the Chinese Province of Shantung.

The Supreme Council of the Conference having ruled to admit no reservation of any kind, either in or outside the text of the Treaty, and having declined to accept before the signing of the Treaty every compromise compatible with their sense of right and justice, even a declaration to the effect that the signature of the Chinese plenipotentiaries was not to be understood as precluding China from demanding at a suitable moment the reconsideration of the Shantung question, the undersigned, plenipotentiaries of the Republic of China, beg to inform you that they do not feel warranted to sign the Treaty at Versailles today. They are communicating the latest decision of the Supreme Council to their Government and meanwhile beg hereby to reserve, in the name and on behalf of their Government, the right of the Republic of China to take a final decision vis-à-vis the Treaty of Peace with Germany.

(Signed) LOU TSIANG.
CHENGTIEN THOMAS WANG.

Paris, June 28, 1919.

To His Excellency Georges Clemenceau,
President of the Peace Conference.

Reservation

In proceeding to sign the Treaty of Peace with Germany today, the undersigned, plenipotentiaries of the Republic of China, considering as unjust Articles 156, 157 and 158 therein, which purport to transfer the German rights in the Chinese Province of Shantung to Japan instead of restoring them to China, the rightful sovereign over the territory and a loyal co-partner in the war on the side of the Allied and Associated Powers, hereby declare, in the name and on behalf of their Government, that their signing of the Treaty is not to be understood as precluding China from demanding at a suitable time the reconsideration of the Shantung question, to the end that the injustice to China may be rectified in the interest of permanent peace in the Far East.

(Signed) LOU TSENG TSIANG.
CHENGTIEN THOMAS WANG.

2:30 P. M., June 28, 1918.

To His Excellency Georges Clemenceau,
President of the Peace Conference,
Versailles.

PEACE CONFERENCE,
SECRETARIAT GENERAL

QUAI D'ORSAY,
Paris, June 28, 1919, 11:45 A. M.

The Secretariat General of the Peace Conference has the honor to deliver herewith to His Excellency the Chinese Minister the two notes which he was good enough to deliver this morning. In returning them, it is intended to permit the Chinese Delegation to sign the treaty in the session of this afternoon, if it thinks it ought to do so without any reservation, as was indicated to the Chinese Delegation upon instructions from the Supreme Council.

His Excellency the Chinese Minister, Paris.

In that manner the Council of Four rejected China's plea to be allowed to sign the Treaty with reservations, and at the same time by returning the notes to the Chinese Delegation the Council refused China's reservations a place in the records of the Conference.

On the evening of that day (June 28, 1919), the Chinese delegation issued the following statement to the press:

Feeling the injustice of the settlement of the Shantung question made by the Conference, the Chinese Delegation sent a formal protest to the Council of Prime Ministers under date of May 4, 1919, and made a reservation at the Plenary Session on May 6th last vis-à-vis the clauses concerning that question in the Conditions of Peace which, taking that settlement for their basis, purport to transfer German rights in the Chinese Province of Shantung to Japan instead of restoring them to China, the rightful sovereign over the territory and a loyal co-partner in the war on the side of the Allied and Associated Powers.

The announcement of the settlement evoked a nation-wide protest in China, which was participated in by the Chinese people in every part of the world. In view of the united opposition of public opinion, the Chinese Government had no course open to them except to decline to accept the clauses in question. To this effect they instructed the Chinese Delegation at Paris, who accordingly notified the President of the Peace Conference on May 26th last in a formal communication that they would sign the Treaty of Peace with Germany subject to the reservation made on May 6th last.

On May 28th last, the Secretary General of the Conference acknowledged the receipt of the notification and stated that it had been transmitted to the Delegations of the Principal Allied and Associated Powers represented in the Supreme Council. From that time on the Chinese Delegation received no word from the Conference on the matter of reservation.

It was not until the 24th instant that the Chinese Delegation was informed by the Secretary General on behalf of the President of the Conference that reservations in the text of the Treaty of Peace were not permissible, for want of precedent, though there is a notable precedent in the Treaty of Vienna, of June 9, 1895, which was signed by the Swedish plenipotentiary with a reservation made under his signature on three articles in the treaty.

What the Chinese Delegates first proposed to do was merely to write in the treaty over their signatures the words "Subject to the reservation made at the Plenary Session of May 6, 1919, relative to the question of Shantung (Arts. 156, 157 and 158." When this insertion was refused, the Chinese Delegation proposed to make the reservation an annex to the treaty. On this being refused, they proposed to send to the President of the Conference, before proceeding to Versailles, a separate declaration in writing to the effect that the Chinese plenipotentiaries

would sign the treaty subject to the reservation of May 6th, which was intended to enable China, after the signing of the treaty, to ask for the reconsideration of the Shantung question. This, again, was refused, and the refusal was explained on the ground that the Supreme Council had decided to admit no reservation of any kind in the text of the treaty, or separate, before it was signed, but that the Delegation could send him a declaration after its signature.

As the validity of a declaration made after the signing of the treaty would be doubtful, the Delegation urged the right of making one in advance of it; but out of deference to the decision of the Council to admit no reservations whatever, it proposed a further modification of the wording, so the signing of the treaty by the Chinese plenipotentiaries might not be understood as precluding China from asking at a suitable moment for the reconsideration of the Shantung question. This proposal, to the surprise of the Delegation, was once again refused.

After failing in all these earnest attempts at conciliation, and after seeing every honorable compromise rejected, the Chinese Delegation had no course open to them except to adhere to the path of duty to their country. Rather than accepting by their signatures articles 156, 157, and 158 in the treaty, against which their sense of right and justice militated, they refrained from signing the treaty altogether.

The Chinese plenipotentiaries regret having had to take a course which appears to mar the solidarity of the Allied and Associated Powers; but they were firmly of opinion, however, that the responsibility for this step rests, not with themselves, who had no other honorable course to pursue, but rather with those who, it is felt, unjustly and unnecessarily deprived them of the right of making a declaration to safeguard against any interpretation which might preclude China from asking for a reconsideration of the Shantung question at a suitable moment in future, in the hope that the injustice to China might be rectified later in the interest of permanent peace in the Far East.

The Peace Conference having denied China justice in the settlement of the Shantung question and having today in effect prevented them from signing the treaty without their sacrificing their sense of right, justice and patriotic duty, the Chinese Delegates submit their case to the impartial judgment of the world.

American Commissioners and Experts Dissented

At the time the Council of Four decided the Shantung question, it was generally known at Paris that in consenting to that decision President Wilson was opposed to three of his own colleagues (General Bliss, Mr. Lansing, and Mr. White), also to the unanimous opinions of the Far Eastern experts attached to the American Commission. Later, in hearings held at Washington by the United States Senate Committee on Foreign Relations on the Treaty and Covenant, that fact was amply and officially confirmed. Prior to the decision General Bliss had written a letter to President Wilson stating why in his opinion the German so-called rights in Shantung should not be awarded to Japan, and the letter was concurred in by Mr. Lansing and Mr. White. The two principal Far Eastern experts officially attached to the Commission also submitted memorandas to the same effect.

The SHANTUNG CASE at the CONFERENCE

Stenographic Report of the Testimony of Hon. Robert Lansing Before the Senate Committee on Foreign Relations, August 6, 1919

SENATOR BORAH: Mr. Secretary, with reference to the settlement of what is known as the Shantung affair, did you take part in the discussion by which the question was finally adjusted?

SECRETARY LANSING: No.

SENATOR BORAH: Did you file any statement in regard to it?

SECRETARY LANSING: No.

SENATOR BORAH: Did any one of the American Commission file any statement?

SECRETARY LANSING: General Bliss wrote a letter prior to the settlement.

SENATOR BORAH: Is that letter available?

SECRETARY LANSING: That I do not know. It was written to the President.

SENATOR BORAH: Who signed the letter?

SECRETARY LANSING: General Bliss.

SENATOR BORAH: Did the letter purport to be written on the part of anyone other than himself?

SECRETARY LANSING: Yes: on the part of Mr. White and myself.

SENATOR BORAH: Can you recall in a general way the contents of the letter?

SECRETARY LANSING: I should not want to, as it was a matter between General Bliss and the President.

SENATOR BORAH: Was it in the nature of a protest against what is known as the settlement of the Shantung affair?

SECRETARY LANSING: No.

SENATOR BORAH: What was the nature of it, then?

SECRETARY LANSING: The President had conferred with the Commissioners in my office in connection with the Japanese situation, and after we had expressed our general views in regard to the matter, the President wanted to know if we would communicate them in writing. General Bliss prepared a letter and showed it to Mr. White and myself, and we concurred in it, and there was no reason why we should write separate letters, as we had nothing to add to it. That was some days before the Shantung settlement. It was a matter of advice, of our advice to the President.

SENATOR BORAH: Did the advice correspond with what was afterward done?

SECRETARY LANSING: No.

Stenographic Report of the Conference Between the Senate Committee on Foreign Relations and President Wilson, August 19, 1919

SENATOR JOHNSON of California: Did China enter the war upon our advice—the advice of the United States?

The SHANTUNG CASE at the CONFERENCE

THE PRESIDENT: I cannot tell; we advised her to enter and she soon after did. Whether she had sought our advice, and whether that was the persuasive advice or not, I do not know.

SENATOR JOHNSON of California: Do you recall, Mr. President, that preceding that advice we had asked China, as one of the neutral nations, to sever diplomatic relations with Germany?

THE PRESIDENT: Whether we had asked her?

SENATOR JOHNSON of California: Yes, sir.

THE PRESIDENT: I do not recall, Senator. I am sure Mr. Lansing can tell, though, from the records of the department.

SENATOR JOHNSON of California: Do you know, Mr. President, whether or not our Government stated to China that if China would enter the war we would protect her interests at the Peace Conference?

THE PRESIDENT: We made no promises.

SENATOR JOHNSON of California: No representations of that sort?

THE PRESIDENT: No. She knew that we would do as well as we could. She had every reason to know that.

SENATOR JOHNSON of California: Pardon me, a further question: You did make the attempt to do it, too, did you not?

THE PRESIDENT: Oh, indeed I did, very seriously.

SENATOR JOHNSON of California: And the decision ultimately reached at the Peace Conference was a disappointment to you?

THE PRESIDENT—Yes, sir; I may frankly say that it was.

PROF. WILLIAMS: Yes.

SENATOR JOHNSON of California: You would have preferred, as I think most of us would, that there had been a different conclusion of the Shantung provision or the Shangtung difficulty or controversy at the Paris Peace Conference?

THE PRESIDENT: Yes; I frankly intimated this.

Report of the Testimony of Prof. Edward T. Williams of the University of California, Chief Adviser on Far Eastern Affairs to the American Commission at Paris, Given Before the Senate Committee on Foreign Relations, August 22, 1919

SENATOR JOHNSON: Were you called upon at any time to render any advice concerning the Shantung decision?

PROF. WILLIAMS: Not before the Council; but on our own Commission I was asked several times for memoranda on various phases of it.

SENATOR JOHNSON: Did you furnish any memoranda?

PROF. WILLIAMS: I did.

SENATOR JOHNSON: Do you remember substantially what you advised?

The SHANTUNG CASE at the CONFERENCE

SENATOR JOHNSON: Please state in your own way your advice on the Shantung question.

PROF. WILLIAMS: My own opinion is that the decision was an unfortunate one; that the leased territory of Kiaochou and the railways and mines in Shantung which had been in possession of Germany ought to have gone automatically to China at the conclusion of the peace; that they were taken by Germany from China by force, by an act of piracy; that the fact that some other power had driven the Germans out of Shantung did not seem to constitute a title to this property, which naturally would revert to the rightful sovereign of the territory.

In January I prepared a memorandum on the whole Shantung question, which was sent to the American Commission, and that was supplemented later by another memorandum on the question of the railways in Shantung. On the 9th of April I prepared a memorandum calling attention to the fact that in our treaty with China of 1858 we were pledged to China to use our good offices in case any nation acted unjustly toward China. . . .

I called attention to that, and suggested that we ought to draw a clause for the peace treaty which would provide for the transfer of the German Shantung rights directly to China. That memorandum was sent to the American Commission, and the next day I received instructions to draft such a clause and to consult with Dr. James Brown Scott of the American delegation, who was our international law expert. . . . Dr. Scott suggested as an alternative that instead of transferring the German rights directly to China they might be transferred to the five Principal Powers in trust for China. That might be a compromise that would be satisfactory to Japan. . . .

On the 22nd of April I received a telephone message that the President wanted to see me. I went, and the President said he wanted me to consult with the Far Eastern experts of the British and French delegations as to which of two alternatives would be less injurious to China, to transfer to Japan all the rights and privileges formerly enjoyed by Germany in the province of Shantung, or to insist upon the execution of the convention of May 25, 1915, between China and Japan. The President said to me that unfortunately the British and French governments were bound by certain engagements which they had made with Japan to support Japan's claim for the transfer of these rights to herself directly, and that Mr. Lloyd George said they were bound to support only the transfer of the rights enjoyed by Germany, but no others. The President said the war seemed to have been fought to establish the sanctity of treaties, and that while some treaties were unconscionable, at the same time it looked like they would have to be observed. . . .

I replied: "Well, Mr. President, do you think that a treaty which was extorted from China by force and by a threat of military operations against her ought to have any binding force?" He said: "Well, perhaps the Japanese will not admit it was obtained that way." I suggested that the documents seemed to indicate that treaty was obtained in that way, and said: "Of course, if the documents show that, then the Japanese would not deny it;" but he asked me to consult the British and French experts about the alternatives he had raised.

I asked if I might suggest another alternative solution, and he said: "Certainly," and I suggested that we might put a blanket article in the treaty covering all German properties in China, saying that Germany renounced all rights and title to those government properties in China and that they reverted automatic-

ally to China, but since the port of Tsingtau and the railways and mines in Shantung Province had been taken from Germany by Japan with the aid of Great Britain, and were now in the possession of Japan, that in so far as those German government properties in Shantung were concerned they would be transferred to China by Japan within one year after the signing of the peace treaty. The President said he had not considered the matter from that angle, and asked me to put it in writing. . . .

On April 24th the Far Eastern expert of the British delegation and the Far Eastern expert of the French delegation and myself met and signed a statement which was sent to the Council of Three—President Wilson, Lloyd George and Clemenceau—in which we said that in our opinion it would be less injurious to China to transfer all the rights formerly enjoyed by Germany in the Province of Shantung to Japan than it would be to insist upon the observance of the China-Japan convention of 1915; and I told the British and French experts that I was going to send an independent statement trying to point out that neither alternative ought to be adopted; that we ought neither to insist upon the enforcement of the China-Japan treaty of 1915 nor the transfer of the German rights to Japan. . . .

At first Mr. Macleay, of the British delegation, said that he would not be able to do anything on that line, but afterward he changed his mind and he also made a statement that we were not shut in by those two alternatives. . . . I sent a written statement to President Wilson in which I begged to call attention to that fact. I cannot recall positively the argument that I used, but I think I must have pointed out that the China-Japan convention of 1915 was extorted from China by force. . . .

To return a moment to my interview with President Wilson on April 22nd, I then asked the President if the settlement proposing to transfer the German rights to Japan directly, or to insist upon the execution of the convention of 1915, was not contrary to the fourteen points laid down as a basis of peace. He said that unfortunately he did not see anything in the fourteen points that exactly covered this case. But on looking over the addresses of President Wilson and the statement made by Secretary Lansing to the German Government with regard to the bases of peace, I found this [reading]:

"The unqualified acceptance by the present German Government and by a large majority of the German Reichstag of the terms laid down by the President of the United States of America in his address to the Congress of the United States on the 8th of January, 1918, and in his subsequent addresses, justifies the President in making a frank and direct statement of his decision with regard to the communication of the German Government of the 8th and 12th of October, 1918." [The armistice communication.]

Now as to subsequent addresses, one was that made on July 4th at Washington's tomb at Mount Vernon, in which the President said:

"No halfway decision is conceivable. These are the ends for which the associated peoples of the world are fighting and which must be conceded them before there can be peace."

Then he mentions (1) "The destruction of any arbitrary power anywhere," and (2) to which I want to call attention:

"The settlement of every question, whether of territory, of sovereignty, or of political relationship, upon the basis of the free acceptance of that settlement by the people immediately concerned and not upon the basis of the material in-

terest or advantage of any other nation or people which may desire a different settlement for the sake of its own exterior influence or mastery."

I think it was in that memorandum to the President that I mentioned this point, and I said that my understanding was that all the powers who entered the agreement for the negotiation of peace after the armistice of November 11 practically accepted the basis of peace as laid down by the American Government, and that no exception, or reservation, had been made then by any of the powers to that point, and therefore it seemed to me that any prior engagement such as the secret treaties between Great Britain and Japan and between France and Japan ought not to be held any longer in force because they really were abrogated by the acceptance of those bases.

SENATOR JOHNSON: Did you state that to the President?

PROF. WILLIAMS: I am not positive whether it was in a memorandum to the President or an argument to the Commission.

SENATOR JOHNSON: Was there any response?

PROF. WILLIAMS: I received only a note from the President's secretary thanking me for the memorandum. . . . On the 30th of April I was informed that the question had been decided; it had been determined to transfer all the property formerly belonging to Germany and all the rights and privileges belonging to Germany in the Province of Shantung unconditionally to Japan.

SENATOR JOHNSON: Was there any other experts upon Oriental or Far Eastern affairs at Paris with you?

PROF. WILLIAMS: Yes. Dr. Stanley K. Hornbeck.

SENATOR JOHNSON: Did his views coincide with yours?

PROF. WILLIAMS: Entirely.

SENATOR JOHNSON: Up to the time of the rendition of the decision you both had protested strongly against such a determination?

PROF. WILLIAMS: Yes; we had objected very strongly to the suggested transfer of the rights and properties to Japan.

SENATOR JOHNSON: What effect in your opinion does the decision have upon China, or our relations with China?

PROF. WILLIAMS: I felt that it would raise a storm of protest in China, and that it tended to strife rather than peace, because I knew or felt sure that the Chinese would not submit to it without considerable protest, and there was a danger of violence. Also, I felt that it was injurious to American interests, although I regard that as of secondary consideration.

SENATOR JOHNSON: Injurious to what?

PROF. WILLIAMS: To our own interest in China, because it would raise a feeling that China had come into the war on the invitation of the United States and had rather looked to the United States to help bring about a just settlement of these troubles, and now in turning over the whole situation to Japan we were injuring our own standing in the Far East.

SENATOR JOHNSON: Are you familiar with the provisions inserted in the peace treaty concerning Shantung?

PROF. WILLIAMS: Yes.

SENATOR JOHNSON: Will you state whether or not in your opinion those provisions give to Japan more in Shantung than either the convention of 1915 or the German lease?

PROF. WILLIAMS: I think they do.

SENATOR BRANDEGEE: As I recall it, the President told the Senate Foreign Relations Committee that he had implicit confidence in the agreement or promise that Japan has given to return to China these rights and concessions that she gets under the treaty?

PROF. WILLIAMS: Yes.

SENATOR BRANDEGEE: Have you stated exactly what that agreement of Japan consists of?

PROF. WILLIAMS: No, I have not.

SENATOR BRANDEGEE: Will you tell us whether it was a verbal statement between the representatives, and which ones, and whether it appears at length in the process-verbal; whether it is accessible so that the terms can be known?

PROF. WILLIAMS: You mean a promise that Japan made at Paris?

SENATOR BRANDEGEE: Yes.

PROF. WILLIAMS: I do not know whether Japan made anything more than a statement that her agreement of 1915 with China would be carried out, and that to make any further promise in the treaty would be a reflection on her bona fides. Therefore, it is not stated in the treaty.

SENATOR BRANDEGEE: So far as you know, was there any assurance give by any official representative of Japan in Paris, either to the Conference or any member of the American Commission, in addition to what is contained in the treaty?

PROF. WILLIAMS: I only remember one case. Something of the sort may have been said in a meeting of the Council of Four. That I do not know. But I do remember an interview between Viscount Chinda and Secretary Lansing, in which Viscount Chinda said that the China-Japan treaty of 1915 must be carried out exactly, and of course the convention of 1915 has annexed to it an exchange of notes in which Japan agrees on four conditions to transfer the leased territory in Shantung to China.

SENATOR BRANDEGEE: I have seen in the newspapers statements to the effect that representations have very recently been made by Japan or some of its spokesmen to the effect that while Japan will get out, the terms and conditions of getting out are to be decided by agreement between Japan and China at some time in the future.

PROF. WILLIAMS: Yes.

SENATOR BRANDEGEE: If it is true that Japan has agreed to get out of Shantung only in accordance with such conditions as she may hereafter agree upon with China, does it not leave it practically in the sole power of Japan to get

out or to stay there? That is, cannot she refuse to agree with China and continue to stay on the ground that China is unreasonable about the conditions, and that the treaty provides that Japan need not get out until the conditions are agreed on?

PROF. WILLIAMS: Well, the conditions were practically established by the convention of 1915; but China's position is that that treaty is no longer binding on her because after making it she declared war on Germany and abrogated all her treaties with Germany, including the lease of Kiaochou. Therefore, there is nothing to be settled between Japan and Germany.

SENATOR BRANDEGEE: What relation does the treaty give Japan to economic conditions in Shantung?

PROF. WILLIAMS: It practically gives her control of the economic conditions of Shantung.

From the foregoing, it is plain that practically the whole American Commission at Paris, including President Wilson, regarded the Shantung provisions of the treaty as being unjust to China and unsatisfactory to the United States. It also is plain that three of the five American plenipotentiaries, and both of the special Far Eastern experts attached to the American Commission, felt that it was not necessary to accede to Japan's demands. On that point President Wilson disagreed with his colleagues, as is demonstrated by his action in consenting to the Shantung award. In his testimony before the United States Senate Committee on Foreign Relations at Washington, Secretary Lansing gave his opinion:

SENATOR JOHNSON: Would the Japanese signature to the League of Nations have been obtained if you had not made the Shantung agreement?

SECRETARY LANSING: I think so.

SENATOR JOHNSON: You do?

SECRETARY LANSING: I think so.

SENATOR JOHNSON: So that even though Shantung had not been delivered to Japan, the League of Nations would not have been injured?

SECRETARY LANSING: I do not think so.

SENATOR JOHNSON: And you would have had the same signatories that you have now?

SECRETARY LANSING: Yes, one more—China.

In explaining why, in that instance, he disregarded and overruled his colleagues and the experts, President Wilson has at different times put it on different grounds. He stated on several occasions that being unable to induce the British and French representatives on the Supreme Council to relegate the secret Shantung agreements, he felt compelled in order to prevent a schism, to consent to Japan's claims. That amounted to yielding the open obligations of the United States in the

matter to the secret and invidious obligations of other Powers, a course which, in the opinion of a majority of the American Commissioners, was not necessary. In September, 1919, President Wilson made a tour of the United States to defend the Treaty-Covenant against the criticisms of the Senate. In an address made at St. Louis on September 5, the President said:

Great Britain and other Powers, as everybody knows, in order to make it more certain that Japan would come into the war and so assist to clear the Pacific of the German fleets, had promised that any rights that Germany had in China should, in the case of the victory of the Allies, pass to Japan.

That statement is misleading, and also is quite contrary to the previously known facts. Japan declared war on Germany on August 24, 1914. The secret agreement between Japan and Great Britain regarding Shantung was signed on February 16, 1917, two and one-half years later. The other so-called Shantung secret agreements were signed in February and March, 1917. At that time, Tsingtau had been occupied by Japan for more than two years, and the Pacific had been entirely cleared of the German naval forces. Therefore, whatever may have caused the British, French, Russian and Italian government to agree that the German leasehold and concessions in Shantung would pass to Japan in the peace terms, it was not done to induce Japan to **enter the war**, although it may have been done to induce Japan to **remain in the war on the side of the Allies**. At this writing, the reasons for those secret agreements relating to China, as well as the real reason on the part of the American Government in making the Lansing-Ishii agreement, remain obscure.

It might be presumed that the Powers that participated in the decisions of the Supreme Council at Paris (Council of Five) would be anxious to published to the world the exact nature of the promises that Japan is alleged to have made about restoring Shantung and Kiao-chow to China; but, on the contrary, all parties to that proceeding maintained reticence. President Wilson refused this information even to the Senate Committee. What is more astonishing, the information was refused to the Chinese delegation at Paris, putting China in the position of being asked to accept a Treaty while withholding from her representatives at the Conference information of immense importance relating to the treaty provisions dealing with Chinese territory.

What Did Japan Promise?

But the investigations of the American Senate into the treaty brought an official statement from the Japanese Government on this subject, given in a statement issued by Viscount Uchida, Japanese

minister for foreign affairs, published in America on August 6, 1919, which called forth a reply by President Wilson. Those statements follow:

VISCOUNT UCHIDA'S STATEMENT

It appears that, in spite of the official statement which the Japanese delegation at Paris issued on May 5 last, and which I fully stated in an interview with the representatives of the press on May 17, Japan's policy respecting the Shantung question is little understood or appreciated abroad.

It will be remembered that in the ultimatum which the Japanese Government addressed to the German Government on August 15, 1914, they demanded of Germany to deliver, on a date not later than September 15, 1914, to the imperial authorities, without condition of compensation, the entire leased territory of Kiaochow with a view to eventual restoration of the same to China. The terms of that demand have never elicited any protest on the part of China or any other Allied or Associated Powers.

Following the same line of policy, Japan now claims as one of the essential conditions of peace that the leased territory of Kiaochow should be surrendered to her without condition or compensation. At the same time abiding faithfully by the pledge which she gave to China in 1915, she is quite willing to restore to China the whole territory in question and to enter upon negotiations with the Government at Peking as to the arrangement necessary to give effect to that pledge as soon as possible after the Treaty of Versailles shall have been ratified by Japan.

Nor has she any intention to retain or to claim any rights which affect the territorial sovereignty of China in the province of Shantung. The significance of the clause appearing in Baron Makino's statement of May 5, that the policy of Japan is to hand back the Shantung peninsula in full sovereignty to China, retaining only the economic privileges granted to Germany, must be clear to all.

Upon arrangement being arrived at between Japan and China for the restitution of Kiaochow, the Japanese troops at present guarding that territory and the Kiaochow-Tsinan Railway will be completely withdrawn.

The Kiaochow-Tsinan Railway is intended to be operated as a joint Sino-Japanese enterprise without any discrimination in treatment against the people of any nation.

The Japanese Government have, moreover, under contemplation proposals for the re-establishment in Tsingtao of a general foreign settlement, instead of the exclusive Japanese settlement which by the agreement of 1915 with China they are entitled to claim.

PRESIDENT WILSON'S STATEMENT

The government of the United States has noted with the greatest interest the frank statement made by Viscount Uchida with regard to Japan's future policy respecting Shantung. The statement ought to serve to remove many misunderstandings which had begun to accumulate about this question.

But there are references in the statement to an agreement entered into between Japan and China in 1915 which might be misleading if not commented upon in the light of what occurred in Paris when the clauses of the Treaty affect-

ing Shantung were under discussion. I therefore take the liberty of supplementing Viscount Uchida's statement with the following:

In the conference of the 30th of April last, where this matter was brought to a conclusion among the heads of the principal Allied and Association Powers, the Japanese delegates, Maron Makino and Viscount Chinda, in reply to a question put by myself, declared that:

"The policy of Japan is to hand back the Shantung peninsula in full sovereignty to China, retaining only the economic privileges granted to Germany, and the right to establish a settlement under the usual conditions at Tsingtao.

"The owners of the railway will use special police only to insure security for traffic. They will be used for no other purpose.

"The police forces will be composed of Chinese, and such Japanese instructors as the directors of the railway may select, will be appointed by the Chinese Government."

No reference was made to this policy being in any way dependent upon the execution of the agreement of 1915 to which Count Uchida appears to have referred. Indeed, I felt it my duty to say that nothing that I agreed to must be construed as an acquiescence on the part of the Government of the United States in the policy of the notes exchanged between China and Japan in 1915 and 1918, and reference was made in the discussion to the enforcement of the agreements of 1915 and 1918 only in case China failed to cooperate fully in carrying out the policy outlined in the statement of Baron Makino and Viscount Chinda.

I have, of course, no doubt that Viscount Uchida had been apprised of all the particulars of the discussion in Paris, and I am not making this statement with the idea of correcting his, but only to throw a fuller light of clarification upon a situation which ought to be relieved of every shadow of obscurity or misapprehension.

WOODROW WILSON.

Those statement of Viscount Uchida and President Wilson make little clear except that there is a divergence of view between them as to a very important phase of Japan's promise made to the Supreme Council of the Peace Conference. Viscount Uchida bases Japan's eventual restoration of Shantung on the China-Japan agreement of 1915 (which was signed by China under ultimatum, and which China denounced and asked to be relieved of at the Peace Conference. President Wilson states plainly that Japan's assurances given to the Supreme Council were not conditional on the 1915 agreement, or upon any agreements, and he further makes it plain that the American Government never has acquiesced in the agreements wrung by Japan from China in 1915 and 1918.

This is a very important point, for, since the signing of the Paris treaty (but not signed by China nor America yet), the Japanese Government in many instances has made it evident that it takes the position that the Shantung question is now one to be settled exclusively between Japan and China, and that the 1915 and 1918 agreements

must be the basis of the settlement. So far, the Chinese Government has refused to make this question the subject of separate negotiations with Japan, taking the position that the issue is international in character and should be settled internationally. The disadvantage to China in separate negotiations with Japan is plain, for in that situation Japan will be able to exert the same kind of pressure on China by which she secured the 1915 and 1918 agreements; which means that China would have to accept Japan's solution of the Shantung question.

In his testimony before the United States Senate Committee on Foreign Relations on August 20, 1919, Dr. John C. Ferguson, adviser to the President of China, remarked that Japan could have restored Shantung and Kiaochow to China at any time since the Germans surrendered Tsingtau in the autumn of 1914 without any difficulty whatever, had Japan desired to do so, but Japan's whole course evidently has been designed to create and has actually created a situation by which the restoration of Shantung to China is greatly complicated.

The Lansing-Ishii Agreement

The hearings of the Foreign Relations Committee of the United States Senate on the Treaty-Covenant brought out for the first time the official American interpretation of the Lansing-Ishii agreement.

Testimony of Hon. Robert Lansing Before the Foreign Relations Committee of the United States Senate, August 11, 1919

SENATOR POMERENE: Mr. Secretary, up to the time of the exchange of the notes which embraced the Lansing-Ishii agreement, did the Republic of China have any information concerning that agreement?

SECRETARY LANSING: Not until it was negotiated and the notes were exchanged.

SENATOR POMERENE: As this related to Chinese territory, what reason was there, if any, for not conferring with the diplomatic representatives of China about it?

SECRETARY LANSING: It was merely a matter of declaration of a mutual policy between Japan and the United States in regard to their attitude toward China. It did not directly affect any rights of China, except that the two governments agreed that they would keep their hands off.

SENATOR BRANDEGEE: You said the other day, Mr. Secretary, that your principal object in making this so-called agreement was to get a renewed declaration from Japan in favor of the open-door in China?

SECRETARY LANSING: Yes.

SENATOR POMERENE: When, if at all, did you first learn that the Chinese Government took any exception to the Lansing-Ishii agreement? ?

SECRETARY LANSING: We had no definite information that China took exception to the Lansing-Ishii agreement. They did make a declaration, which I was going to state later.

SENATOR BRANDEGEE: Mr. Secretary, I suppose you mean that no protest was made by China against the Lansing-Ishii agreement; but my recollection is that the newspaper dispatches of that time stated that Chinese sentiment was very much opposed to it. Do you remember that?

SECRETARY LANSING: There was something of the sort, yes, in regard to the Lansing-Ishii agreement. I suggested to Viscount Ishii that it would be well for the two governments to reaffirm the open-door policy, on the ground that reports were being spread as to the purpose of Japan to take advantage of the situation created by the war to extend her influence over China—political influence. Ishii replied that he would like to consider that matter, but that, of course, he felt that Japan had a special interest in China, and that that should be mentioned in any agreement we made; and I replied to him that we, of course, recognized that Japan, on account of her geographical position, had a peculiar interest in China, but that it was not political in nature, and that the danger of a statement of special interest was that it might be so construed, and therefore I objected to making such a statement.

At another interview we discussed the phrase "special interests," which the Japanese Government had been very insistent upon, and which, with the explanation I have made, I was not very strongly opposed to, thinking that the reaffirmation of the open-door policy was the most essential thing that we could have at that time; and we discussed the phrase which appeared in the draft note, "special interest," and I told him that that if he meant "paramount interests" I could not discuss it further; but if he meant special interests based on geographical position I would consider the insertion of it in the note. Then it was, during that same interview that we mentioned "paramount interest," that he made a reference to the Monroe doctrine, and a suggestion that there should be a Monroe doctrine for the Far East.

And I told him that there seemed to be a misconception as to the underlying principle of the Monroe doctrine; that it was not an assertion of primacy or paramount interest by the United States in its relation to other American Republics; that its purpose was to prevent foreign powers from interfering with the separate rights of any nation in this hemisphere, and that the whole aim was to preserve to each Republic the power of self-development. I said further that so far as aiding in this development the United States claimed no special privileges over other countries.

SENATOR BRANDEGEE: Excuse me, Mr. Secretary. Were those oral statements?

SECRETARY LANSING: Oral entirely.

SENATOR BRANDEGEE: This is from memory?

SECRETARY LANSING: Not at all. It is made from memoranda which I dictated to a stenographer immediately upon the departure of Viscount Ishii.

SENATOR WILLIAMS: That is the usual way of keeping such records?

SECRETARY LANSING: It is the only possible way. I told Viscount Ishii that I felt that the same principle should be applied to China, and that no special privileges, and certainly no paramount interest, in that country should be claimed

by any foreign power. While the phrasing of the notes to be exchanged was further considered, the meaning of "special interest" was not again discussed.

SENATOR BRANDEGEE: What did Count Ishii say? Did he apparently coincide with your view, or did he maintain silence?

SECRETARY LANSING: He maintained silence.

SENATOR BORAH: Mr. Secretary, in order to get a connected statement as to the situation, at the time that Ishii appeared here for the purpose of making this agreement, the Twenty-one demands had been made in the early part of the year 1915?

SECRETARY LANSING: Yes.

SENATOR BORAH: The first four groups of those demands had been acceded to by China in what is known as the China-Japan convention of 1915?

SECRETARY LANSING: Yes.

SENATOR BORAH: Then at the time that Ishii appeared here, that agreement, which followed the Twenty-one demands, had been made known to the world?

SECRETARY LANSING: Yes.

SENATOR BORAH: Now, who suggested the insertion in the agreement that you made with Ishii this proposition of special interest?

SECRETARY LANSING: It was made by Count Ishii.

SENATOR BORAH: You suggested to him that if it meant political control or paramount control, you did not care to discuss it?

SECRETARY LANSING: Yes.

SENATOR BORAH: What did he say in reply to that which would indicate that he waived that construction?

SECRETARY LANSING: He continued the discussion.

SENATOR BORAH: Continued it along what line?

SECRETARY LANSING: Well, only along the line that he inserted the words "special interest" in his counterdraft of a note and urged that it be included. But he understood exactly what I interpreted the words "special interest" to mean.

SENATOR BORAH: And you understood what he interpreted them to mean?

SECRETARY LANSING: No, I did not.

SENATOR BORAH: He had said that his idea was that Japan had special interests in China which ought to be recognized, and by those special interests he meant paramount control?

SECRETARY LANSING: Yes; and I told him I would not consider it.

SENATOR BORAH: Did he say, "Very well, I adopt that construction of it," or anything of that kind?

SECRETARY LANSING: No, but he continued to introduce the words "special interest." But he knew that if he did not take my meaning that I would not continue the discussion.

The SHANTUNG CASE at the CONFERENCE

SENATOR BORAH: Is it not a fact that before and after he appeared in this country his government, officially or semi-officially, placed the construction upon those words which Ishii had placed upon them?

SECRETARY LANSING: Before?

SENATOR BORAH: Yes.

SECRETAR YLANSING: Not to my knowledge, further than his statement.

SENATOR BORAH: I have here a dispatch from the Russian ambassador at Tokio to his home government, made October 22, 1917, in which he said that the Japanese——

SENATOR POMERENE: From what are you reading?

SENATOR BORAH: From a copy of this dispatch published in "Democracy and the Eastern Question."

SECRETARY LANSING: By whom?

SENATOR BORAH: By Mr. Thomas F. Millard. Is there any question about the authenticity of the dispatch?

SECRETARY LANSING: No question, because I do not know anything about it except his publication of it.

SENATOR BORAH: Do you have any doubt about this publication being correct, as to this dispatch?

SECRETARY LANSING: I have no information on the subject one way or the other.

SENATOR BORAH: Then you do not desire to have it inferred from your answer that it is false?

SECRETARY LANSING: No.

SENATOR BORAH:: We will read it and see whether time proves it to be true [Reading]:

"The Japanese are manifesting more and more clearly a tendency to interpret the special position of Japan in China, inter alia, in the sense that other powers must not undertake in China any political steps without previously exchanging views with Japan on the subject—a condition that would to some extent establish a Japanese control over the foreign affairs of China. On the other hand, the Japanese Government does not attach great importance to its recognition of the principle of the open door and the integrity of China, regarding it as merely a repetition of the assurances repeatedly given by it earlier to other powers and implying no new restrictions on Japanese policy in China. It is therefore quite possible that in some future time there may arise in this connection misunderstandings between the United States and Japan. The minister of foreign affairs again confirmed today in conversation with me that in the negotiations by Viscount Ishii the question at issue is not some special concession to Japan in these or other parts of China, but Japan's special position in China as a whole."

That information, I take it, was unknown to you at the time of discussion with with Count Ishii?

The SHANTUNG CASE at the CONFERENCE

SECRETARY LANSING: Entirely so. I would call your attention to the fact that the Root-Takahira agreement included an arrangement between Japan and the United States that they would take no steps without consulting each, and it would have the same effect as this statement made by the Russian ambassador.

SENATOR BORAH: And in another dispatch from the Russian ambassador under date of November 1, 1917, there is another paragraph which I quote [Reading]:

"To my question whether he did not fear"——

This was the Minister of Foreign Affairs that he was talking to [Reading again]:

"that in the future misunderstandings might arise from the different interpretations by Japan and the United States of the meaning of the terms "special position" and "special interests" of Japan in China, Viscount Motono replied by saying [a gap in the original]. Nevertheless I gained the impression from the words of the minister that he is conscious of the possibility of misunderstandings also in the future, but is of the opinion of carrying into effect her interpretation rather than that of the United States."

Now, it is a fact that you stated the other day, is it not, Mr. Secretary, that after this Lansing-Ishii agreement was made, Japan placed the construction upon it which Ishii desired to have you place upon it in the first instance?

SECRETARY LANSING: I have no recollection that there is any statement made by the Japanese Government as to the fact which you set forth.

SENATOR BORAH: Have you information that it has been made by the press of Japan?

SECRETARY LANSING: Oh, yes.

SENATOR BORAH: And by publications that are under the control of the Japanese Government?

SECRETARY LANSING: That I do not know.

SENATOR BORAH: Now, these notes between yourself and Count Ishii were published first by Japan, were they not?

SECRETARY LANSING: Yes.

SENATOR BORAH: Was that in accordance with the understanding?

SECRETARY LANSING: I believe not. I believe they came to the knowledge of China before they were made public.

SENATOR BORAH: Japan presented the information of these notes to China?

SECRETARY LANSING: That is my recollection.

SENATOR BORAH: Yes; and the first knowledge that the American ambassador had of the contents of the notes or that they existed came to him from the Japanese Government?

SECRETARY LANSING: That I cannot tell you. Very likely that is so, however.

SENATOR BORAH: There was an agreement as to the date upon which they should be published and made known to the world?

The SHANTUNG CASE at the CONFERENCE

SECRETARY LANSING: The 6th of November, four days after they were signed.

SENATOR BORAH: They were made known to China prior to that?

SECRETARY LANSING: Yes.

SENATOR BORAH: And the information came back here prior to the time it should have been published?

SECRETAR YLANSING: I think not. I do not think you could have had it by cable.

SENATOR BORAH: The information came to this country not through the Secretary of State, but by cable from China and Japan. . . . The Chinese Legation issued a statement in the nature of a protest on November 12, 1917?

SECRETARY LANSING:: Not a protest.

SENATOR BORAH: What do you regard it?

SECRETARY LANSING: A declaration, as it was termed.

SENATOR HITCHCOCK: That declaration was in entire accord with the American interpretation of the Lansing-Ishii agreement?

SECRETARY LANSING: Entirely.

SENATOR BRANDEGEE: May I ask you, Mr. Secretary, at the time you and Count Ishii were having your conversations in relation to this subject, and as to what "special interests" meant, did he say anything which would allow you to understand what he meant by the term "special interests"?

SECRETARY LANSING: Nothing further than I have stated.

SENATOR BRANDEGEE: Did he at any time intimate that it meant paramountcy of interest different from that of any other nation, other than Japan's propinquity to China?

SECRETARY LANSING: My only recollection as to that is that he wished to have inserted the words "special interests and influence," and I objected seriously to the insertion of the words "and influence," and they were stricken out.

SENATOR BRANDEGEE: He gave no intimation of what he understood by those terms? He did not attempt to define either "influence" or "special interests"?

SECRETARY LANSING: Nothing further than that, except that the insertion of the words "and influence" in the counterdraft indicated that he understood fully my interpretation of "special interests."

SENATOR BRANDEGEE:: "Special interests" could not mean anything else, in your opinion, except—?

SECRETARY LANSING: Political?

SENATOR BRANDEGEE: Except political?

SECRETARY LANSING: That is true.

SENATOR BRANDEGEE: Has the so-called Lansing-Ishii agreement any binding force on this nation?

SECRETARY LANSING: No.

SENATOR BRANDEGEE: It is simply a declaration of your policy, or the policy of this Government, as long as the President and the State Department want to continue that policy?

SECRETARY LANSING: Exactly.

That testimony of Secretary Lansing at least disposes of the efforts of Japanese to distort the Lansing-Ishii agreement into a recognition by the United States (or by President Wilson's administration) of a sort of paramountcy or special influence of Japan in respect to China. It does not, however, make clear why the American Government did, at that time, find it necessary to make an agreement that is susceptible to ambiguous interpretations.

Secretary Lansing's testimony indicates plainly the purpose of the Japanese Government in making the agreement, and distinctly foreshadowed how the Japanese Government would attempt to interpret it. Mr. Lansing's statement that his object in making a new agreement at that time was merely to secure a reaffirmation by Japan of the open-door principle is unconvincing. It is more logical to assume that his real reasons were analogous to the reasons of the British and French Governments in making the secret Shantung agreements in the winter of 1917—to hold Japan in line with the Allies until the danger point of the war was passed.

China and Regional Understandings

In trying to reconcile the Chinese envoys at Paris to the Shantung award of the treaty, it was argued by defenders of President Wilson's position that by consenting to Japan's demands he at least had accomplished one very beneficial thing for China—the cancellation of the secret agreements regarding Shantung made in February and March, 1917, by which the British, French, Russian and Italian Governments agreed to support Japan's claims to obtain the German position there.

It, of course, is plain that by supporting Japan's claims without reservations, the British and French Governments (the Italian representative was absent, and Russia was not represented at the conference) were freed from all obligations under the secret Shantung agreements of 1917, by having paid those agreements in full. Presumably, therefore, the British and French Governments thereafter would be free to take a more liberal attitude toward China, and to join with

the United States in sustaining China's territorial integrity and political autonomy.

Any hope that might be placed on this circumstance was partly dashed by the circumstantial demonstration at Paris of the existence, or of the predetermination, of a new regional understanding or series of agreements covering all Asia between the Japanese, British and French Governments. Such information as could be obtained, and the logic of the situation, indicated the territorial scope of this new tri-Power regional understanding as follows:

British sphere: India, Persia, Arabia, Thibet, Burma, Szechuan (China), Palestine, Asia Minor and the Caucasus, including the oil regions, Western Siam, the Federated Malay States, the Kwangtung (China) region (forming the littoral of Canton, and equal commercial rights in the Yangtze valley (China).

French sphere: Yunnan, Kwangsi and Kweichow provinces, and western Kwangtung (China); Indo-China and Tonkin; eastern Siam; and certain rights in Syria.

Japanese sphere: Eastern Siberia, to beyond Lake Baikal; all of China except the regions previously mentioned; Mongolia.

Startling as this idea may seem at first thought, it in fact would mean but a slight departure from the status quo as this is constituted by results of the Great War, by the concensus of all the previously existing sovereignties, suzerainties and regional understandings in Asia, and by provisions of the Paris Treaty.

Great Britain long has exercised actual sovereignty in some cases, or some form of "protectorate" in others, over India, Afghanistan, Burma, western Siam, the Federated Malay States, and Arabia; and has had regional understandings extending a British "sphere" over Tibet and southern Persia. By retaining the great province of Szechuan, with its 70,000,000 inhabitants, which joins Tibet on the east, a "buffer" is created on that side, while an equal commercial position in the Yangtze valley affords some protection and scope for British economic interests and extension in China. The littoral of Canton, adjoining the leased territory of Kowloon, on the mainland opposite Hongkong, long has been tentatively a British "sphere," and protects Great Britain's strategical and commercial position based at Hongkong. The only actual addition to the previously existing British "sphere" in Asia would be due to the collapse of Russia, and would bring under British influence the vastly important oil fields of the Caucasus and Trans-Caspian and the railways of that region by which the Black Sea and the Mediterranean can be reached. This arrangement

would on the part of Great Britain amount to acceptance of the elimination of Russia as a power in Asia, which is one of the outstanding results of the Great War, and a readjustment to meet the new situation.

Such a new regional understanding would alter but little the actual position of Japan vis-a-vis Asia as it has become established by developments of the last fifteen years. The only concession to Japan made by Great Britain and France by such a new agreement would be "recognition" by those Powers as a *fait accompli* conditions which heretofore have had dubious international status. Japan's paramountcy in Manchuria has been fully, although euphemistically, recognized by Great Britain and France under previous agreements. The Paris Treaty establishes Japan in Shantung, and substantially confirms her in the positions she has usurped in central China and in Fukien province.

The great departure of such an understanding would be recognition of a Japanese sphere in Eastern Siberia. This already had been accepted in prospect by Great Britain and France when, in 1918, they assented to an exclusive Japanese intervention in Siberia, a plan that was blocked by the opposition of the American Government, which turned the intervention into an international move. It is believed that the French foreign office was attracted to a tri-Power regional division of Asia into spheres by the suggestion that by such a plan French pre-war investments in Russia may be made collectable.

I do not want to be understood as asserting that a new Tri-Power regional understanding in Asia actually was consummated at Paris. It is practically certain, however, that Japan's envoys at Paris advanced it privately to the British and French governments both before the Shantung decision was made and after that decision was announced. The Japanese Government foresaw that if the British and French governments wrote off the secret Shantung agreements, that would leave Japan without any powerful support thereafter in distinction with America, and that those Powers might be swung around by America to support a genuine integrity of China and the open-door policy. Japan therefore took time by the forelock and set about to secure herself in what she had gained, or hoped to gain, at Paris: a disposition which she saw inevitably would collide with American policy and interests.

I do not know how the proposal was received by the British Government, but circumstantial evidence made the American Far Eastern experts in Paris very uncertain as to the real British policy toward China. The Chinese envoys obtained definite confirmation that the French foreign office had the matter of a new understanding with

Japan under advisement and was by no means antagonistic to the proposal. Certain contingencies (chiefly the pending proposed alliance whereby the United States will give military support to France in Europe) made it expedient for the French Government to withhold its assent, or to defer publishing a new regional understanding about Asia until after the United States had acted on the treaty and the alliance.

The China Question, America, and Europe

Many Americans will find it difficult to comprehend in this connection that the British and French governments might be willing to align with Japan in eastern Asia. This is equivalent to aligning against America, after Japan used methods during the war which can be termed blackmail without stretching the usual definition of that word, to obtain concessions from her allies in war while giving comparatively little military help, and after the United States rendered substantial and unselfish help in Europe.

To explain this possibility fully would require an examination of conditions and politics embracing the whole corpus of Great Britain's Asiatic policy and Asian dependencies in their relation to the Empire's stability, and its contact with the imperial policy of Japan. In such a regional understanding with Japan, Great Britain and France would merely be seeking balances and safeguards which, at the present time, they perhaps cannot perceive in any probable policy of the American Government. Great Britain particularly feels at this juncture the absolute need to stabilize Asia, and with America pursuing a vague and actionless policy there, such a stabilization can be procured only by affecting some kind of combination with Japan. To do that, it is thought necessary to yield to certain desires of Japan, and if that requires a sacrifice of British interests in some ways, it must be done, just as Great Britain gave Japan a free hand first in Korea, then in Manchuria, and then in Shantung. Lacking a positive and active American policy in the Far East, it is probable that Great Britain and France feel unable to interpose effective checks to Japan in that region, and that they may as well accept the inevitable and secure themselves in other directions. This mental attitude of the British Government toward the problem of eastern Asia was quite apparent at the Paris conference. It was no secret that M. Pichon, then French minister for foreign affairs, thought that an imperialistic policy is the only way to recoup the position of France in the world.

On May 5 last, Baron Makino, head of the Japanese delegation at the peace conference, gave a statement for publication in which he

said that the Anglo-Japanese alliance was not affected by the treaty, or the Covenant of the League, and would continue to hold; and this was confirmed by utterances in the same vein in the British Parliament, then and subsequently. There are many indications that the unqualified support given to Japan at Paris by the British and French governments was founded on an understanding for the future, as well as on the secret Shantung agreements.

Nevertheless, other utterances in Parliament and in the British press show plainly an opposite view of the China question, and deep dissatisfaction with the Shantung decision. On July 21, 1919, the question was raised in the House of Commons, when a member (Lieut. Colonel Murray), interrogating the Government, said: "The Premier would be the first to agree that there were clauses in the treaty of peace which none could hope should be permanent in character. Among these were the article dealing with Shantung." Col. Murray said, further: "I think it right that it should be placed on record that opinion in this House, and, as I understand it, in this country, is by no means unanimous in this respect to the provisions of the peace treaty relating to Kiaochow." In replying, Lord Robert Cecil said: "I am perfectly sure the provisions in regard to Shantung ought to be reviewed at an early date." There is no doubt that the general opinion of British residents in China is against the Shantung award made at Paris.* But it is possible for this sentiment to be overridden by governmental policies based on wider imperialistic exigences.

As a result of the United States Senate's inquiries into the character of the Treaty of Versailles, the American Congress put on record its strong disapproval of the Shantung clauses. On Aug. 23, 1919, the Senate Committee on Foreign Relations reported an amendment to the Treaty completely reversing the Shantung clauses, by inserting the word "China" for "Japan" in the articles. This amendment, however, was altered later by the Senate into a reservation, in the following terms:

The United States withholds its assent to Articles 156, 157, and 158, and reserves full liberty of action with respect to any controversy which may arise under said articles between the Republic of China and the Empire of Japan.

As a result of further discussion, the reservation was changed by omitting the last phrase, as follows:

The United States withholds its assent to Articles 156, 157, and 158, and reserves full liberty of action with respect to any controversy which may arise under said articles.

In that form the reservation was passed by the Senate.

Because of the omission of the phrase "between the Republic of China and the Empire of Japan," an effort has been made in some quarters, notably in the Japanese press, to interpret the change in the reservation as weakening it and as depriving it of effective force. Quite the contrary is true. The reservation as finally passed according to expert opinion on the question is more comprehensive, and therefore more forcible, than the more verbose form first passed by the Senate. By omitting the words "between the Republic of China and the Empire of Japan," the United States removes the restriction which that phrase imposes, and declares itself to have "full liberty of action with respect to ANY controversy which may arise under said articles." Whereas the first reservation limited action to controversies between China and Japan about the Shantung articles, the reservation finally adopted extends the scope of the reservation to any and all controversies between China and any other nation.

The comments of the American press in the course of discussion of the Shantung question at Paris, and in Congress, indicated plainly an overwhelming popular sentiment in America in favor of China's contentions in the matter.

Effects of Shantung Decision in Asia

The cumulative effect of results of the peace conference upon the political psychology of the Asiatic world is unfortunate and ominous. In discussing the Shantung decision a few days after it was made with a member of the Japanese delegation at Paris, I said: "You probably are feeling jubilant over your diplomatic success; but time may show that your victory here really means the ultimate ruin of Japan."

What I meant is that this prestige may convince the ruling statesmen of Japan that the old methods in world politics, far from being relegated by the Great War, still are the only means for success in international affairs, and therefore the better policy for Japan is to continue the course that has brought her all the power she ever has had. Her success at Paris, after the dubious and selfish course she pursued during the war, will tend to justify the Machivellian method of diplomacy, and to strengthen the military party in Japan and confirm it in its advocacy of a forward imperialistic policy. I believe that such a policy will lead Japan, as it did Germany, to ultimate and ruinous defeat. But it may be that Japan, like Germany, has gone too far along that road to be able to turn back short of colliding with some opposing force. Therein lies a danger which the United States and other democratic nations should face squarely.

Chinese sensibilities are stirred by the Shantung award of the peace treaty just as the sensibilities of Belgians would have been outraged had Antwerp been awarded to Germany, or even to an Ally, and the Belgians had been told that any injustice to Belgium therefrom would be rectified by a league of nations. Already the symptoms of a powerful revulsion against the treaty, and against the nations and peoples that made and will enforce the treaty, are manifested not only in China but also in India, Egypt, and other Oriental nationalities. It is conceivable that an outgrowth of this disappointment and disillusionment may be a recrudescence of outright anti-foreignism in Asia.

In respect to the United States, this possibility has, in addition to reactions from a continent-wide revulsion of Asiatics against the political standards and institutions of the West (a movement that will include three-fifths of all humanity), and the almost inevitable tendency of that reaction toward militarism and possibly monarchism also, a more imminent danger of a collision with Japan. The distinct divergence of interpretation of the American and Japanese governments in regard to their China policies, revealed by the course of events and by the testimony of President Wilson and Secretary of State Lansing, and the equally serious irritations of these two governments relating to Siberia, show beyond any doubt that the American and Japanese theses of world politics are almost diametrically opposed. One or the other must give way. In this clash, taken in conjunction with the whole series of regional understandings concerning Asia and China founded on the "sphere of influence" thesis, contradicting the Hay Doctrine and the open-door principle, and which more and more tend to exclude and circumscribe American political influence and commercial development in eastern Asia, we have in being and plainly charted most of the conditions that are provocative of modern wars.

A good deal is said about the desirability and the necessity, in order to keep the peace of the world, of a complete sympathetic and even a military entente between Great Britain, France and the United States. I am in sympathy with the thought and purpose that lie back of this idea; but I am convinced that such an entente, if it should be outwardly patched up now, cannot endure for more than a few years if it leaves the way open for a divergence of those Powers in Europe, and the United States, over the Asiatic question. The situation left in eastern Asia by the Paris treaty if even tentatively supported by some alignment or regional understandings of France and Great Britain with Japan, or by a renewal of the Anglo-Japanese Alliance, will inject a strong element of suspicion and distrust into the relation

of the United States with Great Britain and France. Political cynics would begin to think that those Powers were pursuing the old policy of arranging combinations that will subject their chief rival for world power and influence to the process of being weakened by war and adverse psychological reactions.

The situation left in the Far East by the peace conference amounts to tying up a war in a well camouflaged package and leaving it on America's doorstep. Circumstances brought America into the Great War as the last line of resistance of imperial military power. If a war comes out of the issues now drawn between Japan and China, America will discover that she lies directly in the first line of resistance to predatory imperialism.

APPENDIX A

Letter of American Chamber of Commerce of China

(See map on page 6)

The following letter outlining Japan's plans for "double-crossing" China and the rest of the world regarding Tsingtao and Shantung, was sent to the American Minister at Peking and to American commercial organizations at home on December 16, 1918:

The American Chamber of Commerce of China, several members of which organization have interests in Tsingtao, have the honor to draw your urgent attention to the terms on which the Japanese Government has declared its readiness to restore the leased territory of Kiaochow to China and to what in our opinion would be their inevitable consequence to American interests in North China.

You will recall that the Note relative to the leased territory presented by the Japanese Minister to the Chinese Government in the autumn of 1917 stated—we quote the translation published by the "Japan Chronicle" on November 8, 1917—that:

"When after the termination of the present war the leased territory of Kiaochow Bay is completely left to the free disposal of Japan, the Japanese Government will restore the said leased territory to China under the following conditions:

1. The whole of Kiaochow Bay to be opened as a commercial port.
2. A concession under the exclusive jurisdiction of Japan to be established at a place to be designated by the Japanese Government.

3. If the foreign powers desire it, an international concession may be established.
4. As regards the disposal to be made of the buildings and properties of Germany and the conditions and procedures relating thereto, the Japanese Government and the Chinese Government shall arrange the matter by mutual agreement before the restoration.”

We submit that in view of actual developments there, these terms would amount in reality to the absolute control of Tsingtao and its hinterland by the Japanese and would in effect be equivalent, from a business point of view, to outright annexation of the port and to virtual annexation of the Province by the Japanese Government. For the concession which the Japanese intend to demand is that part of Tsingtao in which the commerce of the port is inevitably centered, namely the districts surrounding the harbor, the custom house, and the proposed new railway freight station; the part of the town left for an international concession would be the present residential district and this could be rendered valueless from the point of view of revenue by such “disposal” as is provided in clause 4 of the terms quoted above, which would even include the public slaughter house and the electricity station.

The evidence for this view of Japanese intention is unmistakable and patent. It meets the eye in business houses, banks, schools, and tea-houses and private residences, all outcome of an adroitly conceived and rapidly executed building program designed entirely to occupy and effectively to enrich the district essential to trade and commerce. What Japanese control of wharves, railways and custom house would mean has, we submit, been amply illustrated in Dalny and Manchuria, where there are practically no prospects whatever of American or other “foreign” participation in business which should be opened to all.

Accordingly we urge that, if non-Japanese subjects are to have equal opportunities with the Japanese for business in Tsingtao and the Province of Shantung as a whole, the whole port should be either internationalized or restored to the Chinese Government and, further, that in either case, if the Japanese be given the choice of location for their concession, all wharves, railways and custom house should be kept free from their control.

We urge this not only on behalf of American interests in Tsingtao, but on behalf of those of Shanghai and Tientsin, the export and import trade of which would be seriously handicapped were control of

this port and of the Shantung Railway and its proposed extensions to be vested in Japanese hands, to be made the hinge of an open door for Japanese only.

In view of the recent developments in America and the probability of an almost immediate discussion of the Far Eastern situation as a whole, we feel sure that you will appreciate the urgency of this memorandum.

As to the preference of the Chamber in reference to the future disposition of this former German leased property, we are in favor of making it a real international settlement with all harbor facilities and water-front privileges under the absolute control of an international commission. As soon as our special committee can make further investigation of this matter of international control, we shall take pleasure in sending to you copies of our memoranda and recommendations.

As you are doubtless aware, detailed information corroborating and illustrating our views is already in the possession of the American Government, but should you require further or specific particulars, we shall be ready to supply them.

Very truly yours,

AMERICAN CHAMBER OF COMMERCE OF CHINA.

By J. Harold Dollar, President.

Shanghai, December 16, 1918.

*APPENDIX B

The Future of Tsingtau

REPORT OF BRITISH CHAMBER OF COMMERCE

(From the North-China Daily News, Shanghai, of June 21, 1920)

The following memorandum on the future of Tsingtau which was drawn up by the British Chamber of Commerce in that port and with the general principles of which the Associated British Chambers of Commerce in China and Hongkong are in agreement, was recently forwarded to H. M. Minister by the Association:

Memorandum

The Tsingtau question has now entered on a phase when some kind of solution must soon be arrived at. The Chinese must choose between negotiating directly with Japan or submitting the whole question to the League of Nations. In the former event the interests of foreign Powers would probably be entirely ignored, but the latter

event the League of Nations would probably take into consideration the vested interests acquired by England and other nations in the course of nineteen years' trading under treaty conditions at Tsingtao. That is to say, any solution arrived at would be international in character. Believing that the time is becoming ripe for such a solution, the British Chamber of Commerce at Tsingtao have deemed it advisable to place upon record what in their opinion would constitute a fair settlement of the Tsingtao question, namely, a settlement which would preserve intact the sovereign rights of China and at the same time allow every nation to live and trade at Tsingtao on a footing of equality.

Japan's Primal Pledge

I. Japan undertook the reduction of Tsingtao on the express promise that she would return Tsingtao to China. In consequence of that promise China allowed a free passage to the Japanese army, the Powers gave Japan a free hand and she was assisted by British troops. Legally as well as morally, therefore, England and the other Powers have the right to insist a reasonable interpretation be given to this promise. That is to say, the Powers demand that this promise must not be merely fulfilled on paper and completely nullified in practice.

The First Essential

II. If Tsingtao is to be returned to the sovereignty of China the very first step is to place the harbor and harbor lights, the docks and wharves and the collection of duties under the control of China. If this is not done the promise is absolutely meaningless. It follows that, in view of the vested trading interests referred to above, Tsingtao must be placed on the same footing as other ports in China. The organ for the control of harbor, docks, wharves and collection of customs duties must be the Maritime Customs, and the Maritime Customs must be simply an ordinary branch of the Chinese customs service. The appointment of the staff must be left to the unfettered discretion of the inspector general in Peking and if that discretion is exercised in a manner detrimental to the interests of any nation, diplomatic representations in Peking afford a remedy.

International Control

III. If the leased territory is returned to the sovereignty of China the present military administration would ipso facto be abolished and the question then arises what form of administration is to take its

place. There are various alternatives which may be discussed and considered but the only solution which British interests in China regard as satisfactory and fair to all concerned is the establishment of a municipality with elected councillors and a permanent staff such as exists at Shanghai and other ports with, however, this important addition: that, unlike Shanghai, Chinese residents in Tsingtao, equally with those of other nationalities, shall have the right to vote and sit on the council. The law administered should be the law of China, limited only by the safeguards of extraterritoriality so long as such safeguards are maintained in the rest of China.

The Railway

IV. The railway is a difficult problem capable of several solutions. It is obvious, however, that it is utterly incompatible with China's sovereignty that the railway should be practically foreign territory, garrisoned by foreign troops and guarded by foreign military police, and that the railway should control the Tsingtao docks and wharf office. The very least that should be demanded is that the docks and wharf office be placed under the control of the Chinese Maritime Customs at Tsingtao, that the foreign troops should be entirely withdrawn and a Chinese police force take the place of the military police, and that, if the railway itself is to be treated as a foreign concession, it should be managed as an economic concession pure and simple. It is suggested, however, that the question of the management and control of the Shantung Railway should not be dealt with as an isolated problem but that it should be settled in conjunction with all other railways in China as part of a comprehensive scheme of unification of railways.

The Transfer of Sovereignty

V. Assuming that the Tsingtao question is settled on an international basis as outlined above, the only feasible method of settlement would supervise the transfer of sovereignty from Japan to China and have authority to settle the numerous questions of detail which would arise. Such a commission might be appointed by the League of Nations and might contain representatives of China, Japan, England, America, and France. Many very important questions could be left to the unfettered decision of this commission. For example, when handing over control of the harbor, etc., to the Chinese Maritime Customs it might be found desirable to stipulate that the present free port area be maintained as a free port, and in deciding the fate of the

railway it would certainly be desirable to ensure a continuance of the freedom from vexatious inland taxation which was secured by Germany. With regard to the municipal administration of Tsingtao, the commission, besides settling the composition and organization of the council and its permanent staff, would be faced with the difficulty that ordinary municipal taxation would be insufficient for the proper upkeep of the town. They would have to arrange for a permanent contribution of 20 per cent of the customs revenue as arranged in the agreement with Germany in 1905. They would also have to insist that the fiscal lands should be treated as a source of municipal revenue as was the case before the advent of the Japanese military administration. Any further alienation of those lands or any attempt to convert the 10 years' leases granted by the military administration into freeholds should be prevented.

Special Interests Equal

It is probable that the commission in the course of its labors will be met by a demand from China for a fuller recognition of her sovereignty than is accorded to her at other places where she comes into contact with foreigners, and a demand from Japan for special consideration of the interests which she has built up since 1914. There is no reason why both these demands should not be met in a sympathetic spirit, provided only that the only object which British merchants have in view—equality of opportunity—is not placed in jeopardy.

VI. To sum up, the policy which is advocated by the British Chamber of Commerce at Tsingtao is that Tsingtao should be returned by Japan to China and that an international commission be appointed by the League of Nations to safeguard the sovereignty of China and the vested trading interests which should be settled by the commission are:

1.—The customs should be an ordinary branch of the Chinese Maritime Customs and the staff should be appointed irrespective of nationality by the inspector general of customs in Peking.

2.—The customs should control the harbor, harbor lights, wharves, docks and wharf godowns (warehouses).

3.—The leased territory should be administered by a Municipal Council elected on property franchise in respect of which every nationality should be on a footing of equality.

4.—All public utilities such as slaughter house, water works, etc., should be handed over to the municipality.

5.—A contribution of 20 per cent of the customs revenue should be paid to the municipality to facilitate upkeep of the territory as heretofore.

6.—Revenue from fiscal lands should be appropriated by the municipality and no further alienation, etc., of these lands permitted.

7.—The railway should be managed on an economic and not a political basis and if possible, its ultimate disposition should be fitted into a general scheme of unification of railways.

8.—The railway should be perpetually free of likin and other inland taxation.

9.—The free port area should be maintained.

APPENDIX C

THE RE-ENUNCIATION OF THE HAY DOCTRINE OF "OPEN DOOR" IN CHINA

The Chinese Minister to the Secretary of State

Chinese Legation,

Washington, June 9, 1921

Sir:

I have the honor to inform you that on the 8th of January last an agreement was made between the Ministry of Communications, on behalf of the Chinese Government, and the Federal Telegraph Company, an American corporation, for the erection and operation, as a joint enterprise of the Chinese Government and the American Company, of stations for wireless communication. Against this agreement protests were presented to my Government by certain Governments, claiming that by granting to the American Company the right of participation with the Chinese Government in wireless communications the rights of their nationals secured under prior contracts were violated.

In a recent conversation with you on the subject, I understood from you that the American Government could not admit the validity of such claims by reason of their contravening the treaty rights of American citizens in China and the principle of "the open door."

My Government is informed that these Governments have explained their views to you, and therefore instructs me to inquire

whether or not it is the intention of the American Government to maintain its position in the matter.

Accept, sir, the renewed assurance of my highest consideration.

(Signed) SAO-KE ALFRED SZE.

Honorable Charles E. Hughes,
Secretary of State.

Secretary of State to the Chinese Minister

Department of State,
Washington, July 1, 1921

Sir:

I have the honor to acknowledge the receipt of your note of June 9th, and in reply assure you that it is not the intention of this Government to withdraw from the position hitherto taken by it in support of the rights accruing to the Federal Telegraph Company under the contract of January 8 last; in its view, the communications which it has received from the other interested Governments, in reply to its inquiries as to the reasons for their protests to the Chinese authorities against this contract, tend only to confirm this Government in its belief that the adverse claims which have been urged as excluding the Federal Telegraph Company from participating with the Chinese Government in establishing wireless communications are founded upon assertions of monopolistic or preferential rights, in the field of Chinese Governmental enterprise, which cannot be reconciled either with the treaty rights of American citizens in China, or with the principle of the open door.

Your reference to the principle of the open door affords me the opportunity to assure you of this Government's continuance in its whole-hearted support of that principle, which it has traditionally regarded as fundamental both to the interests of China itself and to the common interests of all powers in China, and indispensable to the free and peaceful development of their commerce on the Pacific Ocean. The government of the United States has never associated itself with any arrangement which sought to establish any special rights or privileges in China which would abridge the rights of the subjects or citizens of other friendly states: and I am happy to assure you that it is the purpose of this Government neither to participate nor to acquiesce in any arrangement which might purport to establish in favor of foreign interests any superiority of rights with respect to commercial or economic development in designated regions of the territories of China, or which might seek to create any such monopoly

or preference as would exclude other nationals from undertaking any legitimate trade or industry or from participating with the Chinese Government in any category of public enterprise.

Accept, sir, the renewed assurance of my highest consideration.

(Signed) CHARLES E. HUGHES.

Mr. Sao-Ke Alfred Sze,
Minister of China.

APPENDIX D

President Harding's Invitation to Conference on Limitation of Armament and Pacific-Far Eastern Questions

The text of the invitation to Great Britain, France, Italy, and Japan is as follows, the only difference being in the name of the Government:

"The President is deeply gratified at the cordial response to his suggestion that there should be a Conference on the subject of Limitation of Armament, in connection with which Pacific and Far Eastern questions should also be discussed.

"Productive labor is staggering under an economic burden too heavy to be borne unless the present vast public expenditures are greatly reduced. It is idle to look for stability, or the assurance of social justice, or the security of peace, while wasteful and unproductive outlays deprive effort of its just reward and defeat the reasonable expectation of progress. The enormous disbursements in the rivalries of armaments manifestly constitute the greater part of the encumbrance upon enterprise and national prosperity; and avoidable or extravagant expense of this nature is not only without economic justification but is a constant menace to the peace of the world rather than an assurance of its preservation. Yet there would seem to be no ground to expect the halting of these increasing outlays unless the Powers most largely concerned find a satisfactory basis for an agreement to effect their limitation. The time is believed to be opportune for these Powers to approach this subject directly and in conference; and while, in the discussion of limitation of armament, the question of naval armament may naturally have first place, it has been thought best not to exclude questions pertaining to other armament to the end that all practicable measures of relief may have appropriate consideration. It may also be found advisable to formulate proposals by which in the interest of humanity the use of new agencies of warfare may be suitably controlled.

"It is, however, quite clear that there can be no final assurance of the peace of the world in the absence of the desire for peace, and the

prospect of reduced armaments is not a hopeful one unless this desire finds expression in practical effort to remove causes of misunderstanding and to seek ground for agreement as to principles and their application. It is the earnest wish of this Government that through an interchange of views with the facilities afforded by a conference, it may be possible to find a solution of Pacific and Far Eastern problems, of unquestioned importance at this time—that is, such common understandings with respect to matters which have been and are of international concern as may serve to promote enduring friendship among our peoples.

“It is not the purpose of this Government to attempt to define the scope of the discussion in relation to the Pacific and Far East, but rather to leave this to be the subject of suggestions to be exchanged before the meeting of the Conference, in the expectation that the spirit of friendship and a cordial appreciation of the importance of the elimination of sources of controversy, will govern the final decision.

“Accordingly, in pursuance of the proposal which has been made, and in the light of the gracious indication of its acceptance, the President invites the Government of Great Britain to participate in a Conference on the subject of Limitation of Armament, in connection with which Pacific and Far Eastern questions will also be discussed, to be held in Washington on the 11th day of November, 1921.”

The Invitation to China

The text of the invitation to the Republic of China is as follows:

“The President is deeply gratified at the cordial response to his suggestion that there should be a Conference on the subject of Limitation of Armament, in connection with which Pacific and Far Eastern questions should also be discussed.

“It is quite clear that there can be no final assurance of the peace of the world in the absence of the desire for peace, and the prospect of reduced armaments is not a hopeful one unless this desire finds expression in a practical effort to remove the causes of misunderstanding and to seek ground for agreement as to principles and their application. It is the earnest wish of this Government that through an interchange of views with the facilities afforded by a conference, it may be possible to find a solution of Pacific and Far Eastern problems, of unquestioned importance at this time—that is, such common understandings with respect to matters which have been and are of international concern as may serve to promote enduring friendship among our peoples.

"It is not the purpose of this Government to attempt to define the scope of the discussion in relation to the Pacific and Far East, but rather to leave this to be the subject of suggestions to be exchanged before the meeting of the Conference, in the expectation that the spirit of friendship and a cordial appreciation of the importance of the elimination of sources of controversy will govern the final decision.

"Accordingly, in pursuance of the proposal which has been made, and in the light of the gracious indication of its acceptance the President invites the Government of the Republic of China to participate in the discussion of Pacific and Far Eastern questions, in connection with the Conference on the subject of Limitation of Armament, to be held in Washington, on the 11th day of November, 1921."

APPENDIX E

China's Acceptance of the Invitation to the Conference on Limitation of Armament

August 17, 1921

To Hon. Charles E. Hughes,
Secretary of State,
Sir:

I have the honor to acknowledge the receipt of your Department's memorandum of the 11th instant, which gives the text of the invitation of the President of the United States transmitted to the Government of the Republic of China on that date through the American Legation at Peking.

I am instructed by my Government in a cablegram dated August 16, 1921, to communicate to you the following reply:

"On the 13th instant a note was received from the American Charge d'Affaires at Peking transmitting the invitation of the President of the United States to the Government of the Republic of China to participate in a conference to be held in Washington on the 11th day of November, 1921.

"A conference for the purpose stated meets with the hearty concurrence of the Government of the Republic of China. Since the conclusion of the war in Europe the fear is general that there may again be a recurrence of the horrors of war. Furthermore, the center of gravity in matters international has recently shifted to the Pacific and the Far East. China occupies an important place not ^{only} on account of the extent of its territory and the density of its population but also on account of its geographical position. The Pacific and Far Eastern

questions as viewed by the Chinese people are questions affecting the peace of the world of the present day.

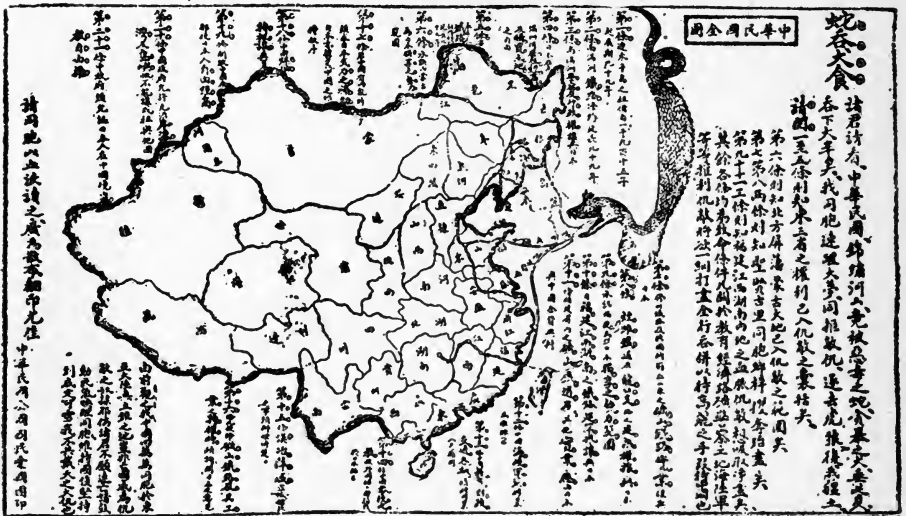
"This Conference at Washington, called by the President of the United States for the promotion of peace, cannot but contribute in a large measure to the accomplishment of results that will enable the people of the world to enjoy prosperity and happiness and obtain permanent release from the calamities of war. It is with special satisfaction that the Government of the Republic of China makes known its desire to cooperate on a footing of equality with other governments in this beneficent movement.

"The American Government, by declaring that it is not its purpose to attempt to define the scope of the discussion in relation to the Pacific and Far East gives evidence of its readiness to be fair to all without any preconceived bias. The Government of the Republic of China desires to take the same position, and will participate in the Conference in the spirit of friendship and with a cordial appreciation of the importance of the elimination of the sources of controversy as stated in the American Charge's note and observe perfect frankness and cordiality in the exchange of views and in arriving at decisions, to the end that the purpose of the President of the United States to promote universal peace may be fulfilled."

Accept, sir, the renewed assurance of my highest consideration.

SAO-KE ALFRED SZE.

A Chinese Cartoon Used in the Anti-Japanese Boycott



The foregoing cartoon prepared by a Chinese artist received wide circulation in the boycott campaign of 1919-20 against the consumption of Japanese goods in China, following the announcement of the Shantung decision by the Paris Peace Conference. In many places the walls of buildings and cities were literally covered with the posters. The textual matter is a copy of the Japanese "Twenty-one Demands" upon China of 1915. The serpent represents Japan in the act of swallowing China. The swelling in the throat is Korea, while the three lines running from the mouth lead to Manchuria, Shantung, and Fukien Provinces, the three districts where Japan claims special "spheres" owing to "territorial propinquity."

