

## EDITORIAL COMMENT

### RECOGNITION OF RUSSIA<sup>1</sup>

One of the notable international developments resulting from the progressive policy of the new administration in the United States is the recent recognition of the Soviet Government in Russia. The last Russian Government recognized by the United States Government was the Kerensky régime, which was recognized on March 22, 1917, and ceased to function on November 7 of the same year, when it was succeeded by the present Soviet Government. Since then, and during the intervening period of sixteen years, the United States Government has consistently withheld recognition from the Soviet Government.

For approximately twice this length of time after the Declaration of Independence of the United States in 1776, that is, until 1809, the Czarist Government of Russia refused to recognize the new American Republic. The Russian Government at that time looked with disfavor upon the system of government by the people, as established in the United States, just as more than one hundred years later the Government of the United States looked with disfavor upon the principles of the Soviet Government of Russia.

At the time the Soviet Government was established, the principal objections to recognition were found in a series of decrees issued by the new government declaring its policies, which included the confiscation and nationalization of private property without compensation, the annulment and repudiation of all foreign loans and obligations incurred by previous Russian governments, and the Sovietizing of other nations through propaganda and activities encouraging revolution against the established governments of the world.

At the outset President Wilson based his refusal to recognize the Soviet Government chiefly on the grounds that it did not have the sanction of the Russian people, and that the United States could not recognize a government which refused to respect its international obligations. President Wilson declared in 1919 that

in the view of this government there can not be any common ground upon which it can stand with a Power whose conceptions of international relations are so entirely alien to its own, so utterly repugnant to its moral sense. There can be no mutual confidence or trust, no respect even, if pledges are to be given and agreements made with a cynical repudiation

<sup>1</sup> See International Conciliation Pamphlet No. 247 (February, 1929), on "Policy of the United States and Other Nations with Respect to the Recognition of the Soviet Russian Government, 1917-1929," by Professor N. D. Houghton, and "The United States and the Soviet Union," a report on their relations to November 1, 1933, by The American Foundation.

of their obligations already in the mind of one of the parties. We cannot recognize, hold relations with, or give friendly reception to the agents of a government which is determined and bound to conspire against our institutions, whose diplomats will be the agitators of dangerous revolt, whose spokesmen say they sign agreements with no intention of keeping them.<sup>2</sup>

Secretary of State Colby, in the Wilson administration, reasserted the views of that administration, as follows:

the refusal [of the Wilson administration] to recognize the Soviet Government was due in the first place to the fact that it was itself the denial of self-determination to the Russian people, being a rule by men who violently usurped power and destroyed the democratic character of the Russian people's government. Even more, however, it was due to the fact that the Soviet authorities announced that they would not be bound by any of their most solemn pledges, freely entered into, and the further fact that by their actions, in the case of several friendly nations, they have lived up to that announcement.<sup>3</sup>

President Coolidge somewhat liberalized the policy adopted by President Wilson. He stated in his message to Congress on December 6, 1923, that:

We have every desire to see that great people, who are our traditional friends, restored to their position among the nations of the earth. We have relieved their pitiable destitution with an enormous charity. Our government offers no objection to the carrying on of commerce by our citizens with the people of Russia. Our government does not propose, however, to enter into relations with another régime which refuses to recognize the sanctity of international obligations. I do not propose to barter away for the privilege of trade any of the cherished rights of humanity. I do not propose to make merchandise of any American principles. These rights and principles must go wherever the sanctions of our government go.

But while the favor of America is not for sale, I am willing to make very large concessions for the purpose of rescuing the people of Russia. Already encouraging evidences of returning to the ancient ways of society can be detected. But more are needed. Whenever there appears any disposition to compensate our citizens who were despoiled, and to recognize that debt contracted with our government not by the Czar but by the newly formed Republic of Russia; whenever the active spirit of enmity to our institutions is abated; whenever there appear works meet for repentance; our country ought to be the first to go to the economic and moral rescue of Russia. We have every desire to help and no desire to injure. We hope the time is near when we can act.<sup>4</sup>

Thereupon the Soviet Government, through its Commissar for Foreign Affairs, addressed a communication to President Coolidge, stating that, after reading his message, the Soviet Government being anxious to establish firm friendship with the people and Government of the United States, was in com-

<sup>2</sup> *Foreign Affairs*, page 316, and documents therein cited.

<sup>3</sup> Secretary Colby's statement to the press, January, 1921.

<sup>4</sup> *Congressional Record*, Vol. 65, Pt. 1, p. 451, Dec. 20, 1923.

plete readiness to discuss all problems mentioned in the message on the basis that the Soviet Government would adhere to the principle, reciprocally applied, of mutual non-intervention in internal affairs, and deal with the question of claims with a view to its satisfactory settlement "on the assumption that the principle of reciprocity will be recognized all around."

Secretary of State Hughes immediately replied to this communication in a harsher strain, stating that:

There would seem to be at this time no reason for negotiations. The American Government, as the President said in his message to the Congress, is not proposing to barter away its principles. If the Soviet authorities are ready to restore the confiscated property of American citizens or make effective compensation, they can do so. If the Soviet authorities are ready to repeal their decree repudiating Russia's obligations to this country and appropriately recognize them, they can do so. It requires no conference or negotiations to accomplish these results, which can and should be achieved at Moscow as evidence of good faith. The American Government has not incurred liabilities to Russia or repudiated obligations. Most serious is the continued propaganda to overthrow the institutions of this country. This government can enter into no negotiations until these efforts directed from Moscow are abandoned.<sup>5</sup>

The explanation of this uncompromising attitude on the part of Secretary Hughes is found in the views expressed by him in his letter of July 19, 1923, to Samuel Gompers, then President of the American Federation of Labor, as follows:

The seizure of control by a minority in Russia came as a grievous disappointment to American democratic thought, which had enthusiastically acclaimed the end of the despotism of the Czars and the entrance of free Russia into the family of democratic nations. Subsequent events were even more disturbing. The right of free speech and other civil liberties were denied. Every form of political opposition was ruthlessly exterminated. There followed the deliberate destruction of the economic life of the country. Attacks were made not only upon property in its so-called capitalistic form, but recourse was had also to the requisitioning of labor. All voluntary organizations of workers were brought to an end. . . . The practical effect of this program was to plunge Russia once more into medievalism. . . .

Recognition is an invitation to intercourse. It is accompanied on the part of the new government by the clearly implied or expressed promise to fulfil the obligations of intercourse. These obligations include, among other things, the protection of the persons and property of the citizens of one country lawfully pursuing their business in the territory of the other, and abstention from hostile propaganda by one country in the territory of the other. In the case of the existing régime in Russia, there has not only been the tyrannical procedure to which you refer and which has caused the question of the submission or acquiescence of the Russian

<sup>5</sup> Congressional Record, Vol. 65, Pt. 1, p. 451, Dec. 20, 1923.

people to remain an open one, but also a repudiation of the obligations inherent in international intercourse and a defiance of the principles upon which alone it can be conducted.

. . . What is most serious is that there is conclusive evidence that those in control at Moscow have not given up their original purpose of destroying existing governments wherever they can do so throughout the world. Their efforts in this direction have recently been lessened in intensity only by the reduction of the cash resources at their disposal. . . . There cannot be intercourse among nations, any more than among individuals, except upon a general assumption of good faith. . . .<sup>6</sup>

Secretary Kellogg summed up the Coolidge administration's attitude in a statement issued under date of April 14, 1928, in which he said:

. . . it is the conviction of the Government of the United States that relations on a basis usual between friendly nations cannot be established with a governmental entity which is the agent of a group which hold it as their mission to bring about the overthrow of the existing political, economic and social order throughout the world and to regulate their conduct toward other nations accordingly.

The experiences of various European governments which have recognized and entered into relations with the Soviet régime have demonstrated conclusively the wisdom of the policy to which the Government of the United States has consistently adhered. Recognition of the Soviet régime has not brought about any cessation of interference by the Bolshevik leaders in the internal affairs of any recognizing country, nor has it led to the acceptance by them of other fundamental obligations of international intercourse. . . .

Certain European states have endeavored by entering into discussions with representatives of the Soviet régime to reach a settlement of outstanding differences on the basis of accepted international practices. Such conferences and discussions have been entirely fruitless.

No state has been able to obtain the payment of debts contracted by Russia under the preceding governments, or the indemnification of its citizens for confiscated property. Indeed, there is every reason to believe that the granting of recognition and the holding of discussions have served only to encourage the present rulers of Russia in the policy of repudiation and confiscation as well as in their hope that it is possible to establish a working basis, accepted by other nations, whereby they can continue their war on the existing political and social order in other countries.

No result beneficial to the people of the United States or indeed to the people of Russia would be attained by entering into relations with the present régime in Russia so long as the present rulers of Russia have not abandoned these avowed aims and known purposes which are inconsistent with international friendship. . . .

<sup>6</sup> See also editorial comment by Dr. James Brown Scott, this JOURNAL, Vol. 17 (1923), p. 296.

The Hoover administration contributed nothing to the discussion of recognition.

Under Secretary of State Phillips, in the present Roosevelt administration, made the following statement on May 10, 1933:

5. The refusal of the Government of the United States to accord recognition to the Soviet régime is not based on the grounds that that régime does not exercise control and authority in territory of the former Russian Empire, but on other facts.

6. The Government of the United States imposes no restrictions on American nationals carrying on trade and commerce with Russia. Persons and firms engaging in such trade and commerce do so on their own responsibility and at their own risk.

7. The Department of State does not regard the acts and decrees of the Soviet régime as the acts and decrees of a recognized government. The question of the validity of acts and decrees of an unrecognized régime is a matter to be determined by the courts in an appropriate case.

On February 1, 1924, the Labor Government of Great Britain, and on October 28 of the same year the French Government recognized the Soviet Government as the *de jure* government of Russia. In each case recognition was predicated on the understanding that negotiations should be undertaken for a settlement of pending questions, including the acceptance by the Russian Government of its international obligations, and particularly an adjustment of pending claims, both governmental and private, against that government, and also that it should cease to carry on propaganda aimed at the overthrow of national institutions elsewhere, and should accept the principle of mutual non-intervention in the internal affairs of other nations. In an editorial of the *New York Times* of October 29, 1924, these arrangements were described as establishing a form of "international trial marriage." In both cases economic and trade considerations entered into the inducements for granting recognition, but in neither case were the conditions attached to the granting of recognition satisfactorily carried out. Diplomatic relations were broken off by Great Britain May 26, 1927, but were resumed December 20, 1929.

In recent years conditions in Russia and the attitude of the Soviet Government toward other governments have materially changed. Twenty-six nations, in addition to the United States, have now recognized the Soviet Government. Recognition was granted in some instances by entering into treaty relations, and in many cases more informally by the exchange of notes.<sup>7</sup> Moreover, the objection originally raised by President Wilson that the Soviet Government did not have the sanction of the Russian people can no longer be maintained. The Soviet Government has now for a period of sixteen years maintained itself successfully as the government of all the people of Russia, and has exercised governmental control throughout all Russian territory. Furthermore, the extreme communistic policies, which at the outset were an

<sup>7</sup> See list appended to this editorial comment, *infra*, p. 97.

essential part of the Soviet Government organization, have since been materially modified in practice, and its original purpose of imposing its policies throughout all the nations of the world has proved to be futile, and was regarded as practically abandoned when Russia's official representatives at the World Economic Conference at Geneva, in 1927, proclaimed the necessity of coöperation between the capitalist and Soviet systems of government. The situation as thus developed, and the importance, in the interest of world peace, of renewing friendly relations between these two great nations, were regarded as furnishing a sound basis for entering into negotiations with the Soviet Government for the purpose of giving effect to its official assurances that it was prepared to respect its international obligations.

In these circumstances, the President of the United States made friendly overtures to the Soviet Government, referring to the present abnormal relations between the 125,000,000 people of the United States and the 160,000,000 people of Russia, and inviting "frank friendly conversations" with the view of removing difficulties between the two nations, which, in his opinion, were not insoluble, but which regrettably had left them without a practical method of communication directly with each other. He, accordingly, expressed a willingness to receive representatives of the Soviet Government to explore with him personally all questions outstanding between the two countries.<sup>8</sup>

On October 17, 1933, President Kalinin replied, stating his concurrence in the views expressed by President Roosevelt, and accepting his proposal that a representative be sent to discuss with him the questions of interest to both countries. He also took the opportunity to express the further opinion "that the abnormal situation, to which you correctly refer in your message, has an unfavorable effect not only on the interests of the two states concerned, but also upon the general international situation, increasing the element of disquiet, complicating the process of consolidating world peace and encouraging forces tending to disturb that peace."

As the result of this exchange of notes, conferences were held in Washington early in November by the President of the United States and some of his advisors, with an official representative of the Soviet Government, Maxim M. Litvinoff, Russian Commissar for Foreign Affairs. Following these conferences, the President, on November 16, 1933, addressed a note to Mr. Litvinoff, which in effect extended recognition through him to his government, and expressed the desire to reestablish normal diplomatic relations by the exchange of ambassadors. He added, "I trust that the relations now established between our peoples may forever remain normal and friendly, and that our nations henceforth may coöperate for their mutual benefit and for the preservation of the peace of the world." Mr. Litvinoff replied on the same day, stating that his government was glad to reestablish normal diplomatic rela-

<sup>8</sup> Letter of Oct. 10, 1933, addressed by President Roosevelt to Mikhail Kalinin, President of the All Union Central Executive Committee at Moscow.

tions and concurring in the hopeful views for the future as expressed by the President.

Contemporaneously with the granting of recognition to the Government of the Union of Soviet Socialist Republics, notes were exchanged adjusting a number of pending questions preparatory to a final settlement of "the claims and counterclaims between the two governments and their nationals." These notes dealt with revolutionary propaganda, religious liberty, protection of the rights of the nationals of each nation in the other country, economic espionage, the immediate negotiation of a consular convention assuring the most-favored-nation treatment by each nation to the other and to its nationals, and the disposition of certain pending claims, leaving for further negotiation and settlement all outstanding questions, including claims and other indebtedness.<sup>9</sup>

An examination of the text of these notes will show that the American negotiators have succeeded in obtaining all that the Soviet Government has given in its settlement negotiations with other nations, and, in addition, certain special concessions of notable importance have been obtained. One of these special concessions is the release and assignment to the Government of the United States of all amounts due under American court decisions to the Russian Government as the successor of prior governments in Russia, or otherwise, from American nationals, and the undertaking that, pending the final settlement of all other claims, the Russian Government will not make any claim with respect to judgments rendered or to be rendered by American courts relating to property, or rights, or interests in which the Russian Government, or its nationals, have or claim to have an interest, or with respect to acts done or settlements made by or with the Government of the United States or its nationals relating to property, claims or obligations of any government of Russia or nationals thereof. This last stipulation is apparently intended to obviate legal difficulties which might otherwise arise on account of the retroactivity of recognition which in law relates back to the date of the origin of the recognized government, thus legalizing all intermediate acts of that government.

Another important special concession is the agreement by Russia that "it will waive any and all claims of whatsoever character arising out of activities of military forces of the United States in Siberia, or assistance to military forces in Siberia subsequent to January 1, 1918, and that such claims shall be regarded as finally settled and disposed of by this agreement." The relinquishment of this counter-claim was stated to be consequent upon an examination of official documents submitted by the United States relating to the attitude of the American Government toward the expedition in Siberia and operations there of foreign military forces. This concession should serve to facilitate the settlement of the other outstanding claim.

Supplementing the notes thus exchanged, a joint statement was made by

<sup>9</sup> For the text of these notes see Supplement to this number of the JOURNAL, pages 1-11.

President Roosevelt and Mr. Litvinoff as to further negotiations. They stated,

In addition to the agreements which we have signed today [November 16, 1933], there has taken place an exchange of views with regard to methods of settling all outstanding questions of indebtedness and claims that permits us to hope for a speedy and satisfactory solution of these questions, which both our governments desire to have out of the way as soon as possible.

Negotiations for this purpose have since been continued.

The reestablishment of friendly relations between these two great nations has given them an opportunity to make official announcement to the world that one of their common objects is world peace, which was stressed on both sides in the negotiations.

CHANDLER P. ANDERSON

#### RECOGNITION OF SOVIET UNION

##### List furnished by Department of State

	<i>De Facto</i>	<i>De Jure</i>
*1. Germany		March 3, 1918—Treaty.
	Diplomatic relations reestablished by Treaty of Rapallo, April 16, 1922.	
*2. Austria		March 3, 1918—Treaty.
	Reestablishment of diplomatic relations, February 25, 1924—Note.	
*3. Turkey		March 3, 1918—Treaty.
	Reestablishment of relations March 16, 1921—Treaty.	
*4. Estonia		February 2, 1920—Treaty.
*5. Lithuania		July 12, 1920—Treaty.
*6. Latvia		August 11, 1920—Treaty.
*7. Finland		October 14, 1920—Treaty.
*8. Persia		February 26, 1921—Treaty.
*9. Afghanistan		February 28, 1921—Treaty.
*10. Poland		March 18, 1921—Treaty.
*11. Great Britain	March 16, 1921.	February 1, 1924—Note.
	(Trade agreement)	
	Diplomatic relations broken off May 26, 1927.	
	Diplomatic relations resumed December 20, 1929.	
	Canada	March 24, 1924—Letter to Yazikov.
	(Trade agreement extended to Canada)	
*12. Italy	December 26, 1921.	February 7, 1924—Note and treaty.
	(Trade agreement)	
*13. Norway	September 2, 1921.	February 15, 1924—Note.
	(Trade agreement)	
*14. Greece		March 8, 1924—Note.
*15. Sweden		March 15, 1924—Note.
16. China		May 31, 1924—Treaty.
	Diplomatic relations broken off December 14, 1927.	
	Diplomatic relations resumed December 12, 1932.	

\* Representative in Moscow on January 1, 1932.

	<i>De Facto</i>	<i>De Jure</i>
17. Denmark	April 23, 1923. (Trade agreement)	June 18, 1924—Note.
18. Mexico	Diplomatic relations broken off January 23, 1930.	August 4, 1924—Memorandum.
*19. France		October 28, 1924—Telegram.
*20. Czechoslovakia	June 5, 1922. (Trade agreement)	
*21. Arabian Saudian Kingdom		March 30, 1924—Exchange of notes.
*22. Japan		January 20, 1925—Convention.
23. Iceland	(through Danish Legation at Moscow)	June 22, 1926—Note.
24. Uruguay		August 23, 1926—Note.
25. Yemen		November 1, 1928—Treaty.
26. Spain		July 28, 1933—Tel.

#### DIPLOMATIC RELATIONS AND THE U. S. S. R.

The action of the President of the United States in entering into diplomatic relations with the Union of Soviet Socialist Republics enlarges the range of types of governments to which the United States is sending diplomatic agents. While at times the Government of the United States has preferred or shown predilection for republics established and continued without measures of violence, the number of such states has been relatively few and it has become more and more necessary to disregard governmental pedigrees and names, and to accommodate national policies to facts, whether these be called republican, monarchical, fascist, socialist, or other.

The present constitution of the Union of Soviet Socialist Republics provides that in the supreme governing departments resides authority for conduct of international relations, conclusion of treaties, declaration of war, and conclusion of peace, control of foreign loans and certain lines of business, and from the exercise of these functions among others the U. S. S. R. excludes constituent states. The governmental functions of the Union of Soviet Socialist Republics have as a whole essentially economic bases. The land and its resources are under governmental control, and "the Soviet Power, which is international in its class character, calls the working masses of the Soviet Republic toward a unity of one socialist family."

The Soviet laws of 1918 aimed to abolish the usual gradation of diplomatic agents and to substitute the single grade of plenipotentiary representative, though later laws provide for *chargés d'affaires* and some late treaties provide for other grades. In some treaties it is stated that as foreign trade is vested in the Soviet Government, "the trade representative and his deputy are members of the diplomatic personnel," and enjoy "all rights and privileges accorded to members of diplomatic missions." From 1921 Soviet legislation showed a drift toward the recognition of generally established diplomatic practices as to

\* Representative in Moscow on January 1, 1932.