

A SURVEY OF THE POLICIES OF RECOGNITION PURSUED BY
THE UNITED STATES GOVERNMENT IN THE RECOGNITION
OF FOREIGN GOVERNMENTS FROM
AUGUST 25, 1921, UNTIL
SEPTEMBER 1, 1939

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TABLE OF CONTENTS

CHAPTER	PAGE
I. INTRODUCTION.	1
Statement of the problem.	2
Justification of the problem.	3
Organization of remainder of the thesis	3
Definitions of terms used	4
Recognition	4
<u>De jure</u> and <u>de facto</u> governments.	5
Non-recognition	6
Distinction between recognizing a state and a government.	6
Determination of who has the power of grant- ing recognition	7
Modes of recognition.	9
II. THE POLICIES OF RECOGNITION CONFORMED TO BY THE UNITED STATES PRIOR TO AUGUST 25, 1921.	11
Establishment of America's fundamental doctrine of recognition.	11
The first deviation from this doctrine.	12
Addition to Jefferson's Doctrine of recognition	14
America's recognition policy in Latin America prior to 1907	14
Adherence, after 1907, of the United States to the General Treaty of Peace and Amity of 1907	16

	iv
CHAPTER	PAGE
President Wilson's policy of "consti- tutionalism".	16
III. THE EXTENSION OF RECOGNITION WHEN A FOREIGN GOVERNMENT MET THE PREREQUISITES OF THE JEFFERSONIAN DOCTRINE	19
The Grau San Martin Government of Cuba.	20
General Obregon's Government of Mexico.	21
Partial list of those governments recognized during this period.	24
IV. THOSE POLICIES OF RECOGNITION WHICH DEVIATED FROM THE JEFFERSONIAN DOCTRINE	26
The non-recognition of the Soviet Government.	26
The United States policy of recognition toward the signatories of the General Treaty of Peace and Amity of 1923	35
Honduras.	36
Nicaragua	37
El Salvador	40
Establishment of the Stimson Doctrine	42
V. SUMMARY AND CONCLUSIONS	47
Summary	47
Conclusions	48
BIBLIOGRAPHY.	50
APPENDIX.	59

CHAPTER I

International law, which is "the body of general principles and specific rules which are binding upon the members of the international community in their mutual relations," was, and still is today, determined by a number of sources.¹ Customary law, the writings of early jurists and scholars, the provisions of treaties between states, the decisions of international courts, and the decisions of national courts aided in the determination of the rules which today govern the states in their international relations.² These were the sources from which the equality of nations, the principle of territorial sovereignty, and the obligation to uphold treaties were developed at the Peace of Westphalia in 1648. It was at this time that the present international society arose. Those nations that were members of this reorganization were called charter or original members of the community of nations. New states, in order to gain membership in this international society, must have "a permanently organized political society, occupying a fixed territory, and enjoying within the borders

¹ Charles G. Fenwick, International Law (third edition; New York: Appleton-Century-Crofts, Inc., 1948), p. 27.

² John Bassett Moore, A Digest of International Law (Washington: Government Printing Office, 1906), I, pp. 1-11.

of that territory freedom from control by another state."³
The recognition of a new state involves the recognition of a particular government which is to represent that state in its international relations. This, the recognition of governments, is the problem that concerns us here.

This thesis, as the title indicates, does not purport to be anything other than a survey of the recognition policies pursued by the United States Government toward foreign governments from August 25, 1921, until Germany invaded Poland on September 1, 1939. This is a historical thesis, or, in other words, a statement of the past policies of the United States Government; it is not a specific criticism or evaluation of these policies. The following reasons governed the choice of dates for the material to be used: the date of August 25, 1921, was selected because that was the date the United States and Germany signed the Treaty of Peace of World War I; the date of September 1, 1939, was chosen because that was the date, for all practical purposes, that World War II began.

Due to the present chaotic condition of the world, which finds the United States and Russia on two such different levels of understanding, it is pertinent to review such an

³ Fenwick, op. cit., p. 104.

important phase of international relations as is the policy of recognizing foreign governments. Precedents have been established to guide the present government and future governments. Can the United States Government, on the basis of the past, refuse to recognize a foreign government because of its political philosophy; or, is this government morally bound to recognize any government established by revolutionary means?

In order to understand the policies pursued by the United States Government during the stated period, it is necessary to present a brief review of the policies followed by it prior to that period.

The span from 1921 until 1939 can best be covered in two sections. The first section is concerned with those governments that were recognized de facto once they had met the necessary prerequisites. There will be no attempt to discuss the recognition of each new government that arose during this period since it will be adequate to discuss representative cases. Those policies of recognition which deviated from the de facto theory of recognition compose the second section. These governments were refused recognition because of additional requirements not demanded of those discussed in the first section. Included is the non-recognition policy

conformed to by this government in its relations with the Soviet Government; the policy established by the General Treaty of Peace and Amity of 1923 in respect to the Republics of Costa Rica, El Salvador, Nicaragua, Honduras, and Guatemala; and the Stimson Doctrine of non-recognition announced in 1933.

The recognition of a government is the "indication of willingness to accord to the government of another nation all the rights and the amenities of normal intercourse between equal nations."⁴ The theory of recognition is a recent concept in international law. Originally, the theory of legitimacy was developed to protect "the established hereditary right of a single house against all claimants."⁵ That house alone was the legitimate ruler, and any attempt to violate the status quo was considered revolutionary. If a new government should be established, it would not be recognized as the legal representative of the area. The monarchic governments, developed at a later period, were also given this cloak of legitimacy. The doctrine of the divine right of kings gave to the kings, and to them alone, the legal power to govern.

⁴ Philip Marshall Brown, "The Recognition of the Government of the Union of Soviet Socialist Republic," American Journal of International Law, 27:290, April, 1933.

⁵ Stuart Alexander MacCorkle, American Policy of Recognition Towards Mexico (The John Hopkins University Studies in Historical and Political Science, Vol. 5, No. 3. Baltimore: The John Hopkins Press, 1933), p. 10.

Any attempt by the people to select their own form of government was considered illegal. It was after the development of the political theory that the government originates in the will of the people that the theory of recognition was established.

Wheaton's distinction between a de jure and a de facto government is this:

A de jure government is one which, in the opinion of the person using the phrase, ought to possess the powers of sovereignty, though at the time it may be deprived of them. A de facto government is one which is really in possession of them, although the possession may be wrongful or precarious.⁶

From this definition, one can conclude that a de jure government is one which purports to rule on a basis of the theory of legitimacy; or, only this government has a legal right to rule while all opposing factions are illegal. In the past, the ruling house or king laid claim to the legal right to rule through an inherent right. At the present time, existing governments claim that they alone are the legal rulers of the state through power given to them by the people and that after this delegation of power any attempt to overthrow them is illegal.

A de facto government is one which has been established

⁶ Quoted by Green H. Hackworth, Digest of International Law (Washington: Government Printing Office, 1940-44), I, p. 127.

on premises contrary to those mentioned above. The theory of de factoism is based on the popular sovereignty of the people. When the people have established a new government, the how and why of its establishment is not in question; the pertinent fact is simply that it is in existence.

The refusal of recognition does not mean that the two governments can not have relations, nor does it mean that one state regards the other as non-existent. Instead, it signifies that their diplomatic relations will not be those which members of the international community ordinarily have.

The recognition of a government presents a problem quite different from that of recognizing a state. Professor Fenwick writes:

But while in actual fact the test applied to determine whether recognition is to be granted appear to be much the same in the two cases, the conclusions to be drawn are fundamentally different. The recognition of new states bears upon the admission of a new political group to membership in the international community; it involves a decision as to the stability of the new political group as a corporate body and its ability to maintain itself as a separate and distinct international person. If in the course of determining this issue it becomes necessary to decide whether a particular government claiming to represent the political group seeking recognition as a state is actually entitled to represent it, that is a collateral issue distinct from the right of the political group to be an international person.⁷

⁷ Fenwick, op. cit., p. 157.

Julius Goebel, in his work, The Recognition Policy of the United States, made a further distinction between a state and a government:

Changes in government forces are merely changes in internal order and although governments are the direct bearers of international rights and obligations, they are not a part of the international system in the sense that states themselves are.⁸

The state, then, is the international person; the government is but the agent of that state in the community of nations. The granting or refusing of recognition to a government does not affect that state's international personality. Once a state has gained this personality, the state continues to be the same corporate person regardless of any changes in its internal organization and government. In the case of the Sapphire, the United States Supreme Court, in 1871, stated that:

The reigning sovereign represents the national sovereignty, and that sovereignty is continuous and perpetual, residing in the proper successors of the sovereign for the time being . . . The reigning Emperor, . . . is but the agent and representative of the national sovereignty. A change in such representative works no change in the national sovereignty or its rights.

The power to recognize new governments is an implied

⁸ Julius Goebel, Jr., The Recognition Policy of the United States (Columbia University Studies in History, Economics, and Public Law, Vol. 6, No. 1. New York: Longmans, Green and Company, 1915), p. 66.

⁹ Charles G. Fenwick, Cases on International Law (Chicago: Callaghan and Company, 1935), pp. 70-71.

power of the executive branch of the Federal government.

This implication arises from Article II, Section 2, and

Article II, Section 3, of the Constitution:

He (the executive) shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls,

. . . . he shall receive ambassadors and other public ministers.

Of the different modes of recognition, the dispatching and receiving of diplomats are two of the most widely accepted means of granting recognition.¹⁰ Since the President alone has the power to receive ambassadors and the power to nominate ambassadors, his failure to perform these acts is in effect a refusal to recognize a new government. This power of the executive branch has been questioned by the legislative branch on several occasions, even as late in our national history as 1913, when a resolution was introduced in the Senate requesting the withdrawal of the recognition of the Carranza Government of Mexico. President Wilson's reply shows how zealously this power of recognition has been guarded by the executive branch:

It would constitute a reversal of our constitutional practice which might lead to very grave confusion in

¹⁰ Infra, p. 9.

regard to the guidance of our foreign affairs. I am confident that I am supported by every competent constitutional authority in the statement that the initiative in directing the relations of our Government with foreign governments is assigned by the Constitution to the Executive, and to the Executive, only.¹¹

The procedure by which recognition has been extended by the United States Government was explicitly stated by Assistant Secretary of State Adee in 1913. He declared:

In the practice of the United States, there are several formulae of recognition.

The first and most usual is, the notification, by the American representative at the foreign capital, that he is instructed to enter into relations with the new government . . .

The second, and the course very generally followed in other countries, is the acknowledgment, by the President, of a letter addressed to him by the head of the new foreign government announcing his assumption of authority . . .

The third, also usual in the intercourse of states, is the reception of an envoy by the President in audience for the purpose of presenting his letters of credence.

The fourth is the reception, by the President, of the continuing diplomatic agent of the foreign state, for the purpose of making oral announcement of the change of government . . .

The fifth method may be available, namely, the formal delivery by the American envoy at the foreign capital, to the head of the new government, of a message of recognition from the President . . .

The sixth method, . . . is to supplement the recognition of a provisional or interim government by formal

¹¹ Senate Documents, Document No. 285, 66th Congress, 2nd Session, I, p. 843D.

announcement of recognition, made by the American envoy, upon the adoption of a new form of government by the national assembly of the foreign state.¹²

¹² Papers Relating to the Foreign Relations of the United States, 1913, p. 102.

CHAPTER II

THE POLICIES OF RECOGNITION PURSUED BY THE UNITED STATES GOVERNMENT PRIOR TO AUGUST 25, 1921

In order to have a clearer concept of the particular problem presented here it is necessary to restate briefly the more important policies of recognition pursued by the United States Government prior to the period we are examining.

The American Revolution established the political theories which became the foundation of American diplomacy. The state of nature, the political equality of man, the consent of the governed, and the right of rebellion were those theories upon which this government was established.¹³ To repudiate any of these, by not recognizing a government established on similar principles, would be denying the United States Government the rights of sovereignty in favor of the legitimate rule of the British monarchy.

The first Secretary of State, Thomas Jefferson, established the fundamental American doctrine of recognition. In a letter, dated December 30, 1792, to Minister Pinckney, this government's representative to England, concerning the

¹³ The theory of the state of nature has been interpreted more broadly since its conception. Contemporary writers hold that the "rights of man" are not evolved from the state of nature.

revolution in France, Mr. Jefferson wrote:

We certainly cannot deny to other nations that principle whereon our government is founded, that every nation has a right to govern itself internally under what forms it pleases, and to change these forms at its own will; and externally to transact business with other nations through whatever organ it chooses, whether that be a King, Convention, Assembly, Committee, President, or whatever it be. The only thing essential is the will of the people.¹⁴

According to John Bassett Moore, this principle of de facto recognition, which is in distinct opposition to legitimacy, is the most important contribution made by the United States to international law.¹⁵ This doctrine of Jefferson's was consistently followed by succeeding administrations until the Civil War. An excellent re-statement of the doctrine was that made by Secretary of State Buchanan to Minister Rush on the latter's recognition of the Provisional Government of France in 1848. It read:

We do not go behind the existing Government to involve ourselves in the question of legitimacy. It is sufficient for us to know that a government exists capable of maintaining itself; and then its recognition on our part inevitably follows.¹⁶

The first deviation from the doctrine established by Jefferson was during the Civil War. Heretofore the United

¹⁴ H. A. Washington, editor, Writings of Thomas Jefferson (New York: John C. Riker, 1843), III, p. 500.

¹⁵ The Collected Papers of John Bassett Moore (New Haven: Yale University Press, 1944), IV, p. 126.

¹⁶ Moore, Digest, op. cit., I, p. 124.

States had upheld the right of rebellion, but during the war, President Lincoln attempted to maintain the fiction that this was merely a domestic disturbance and therefore not subject to international law, foreign cognizance, or diplomatic action. The Federal Government's denial of the right of foreign governments to recognize the Confederacy was in contrast to the established American policy of granting recognition on a de facto basis. To develop a new policy of recognition toward foreign governments, which would incorporate a justification of this attitude toward the Confederate Government, was the problem facing Secretary Seward. This was met by requiring that a new government, established by revolution, be accepted by the full consent of the people. Seward's attempt to develop a recognition policy which would be consistent in both domestic and foreign rebellions can be found in his instructions to the American Minister to Peru in 1868:

We do not deny or question the right of any nation to change its republican constitution. . . . What we do require, and all that we do require, is that when a change of administration has been made, not by peaceful constitutional process, but by force, that then the new administration shall be sanctioned by the formal acquiescence and acceptance of the people.

. . . . In our own late political convulsions, we protested to all the world against any recognition of the insurgents as a political power by foreign nations, and we denied the right of any such nation to recognize a government . . . until such new government should be not only successful in arms, but should also be accepted and proclaimed by the people of the United States.¹⁷

¹⁷ Goebel, op. cit., p. 202.

Since the Confederate Government had not been formally approved by the people of this nation as a whole, Seward's attitude toward the Confederacy was protected in the adoption of this doctrine.

After the Civil War, the United States Government returned to the Jeffersonian Doctrine in the recognition of foreign governments. In his annual message to Congress, President Hayes added another element to the doctrine. As first applied to the Diaz Government of Mexico, this addition was the ability and willingness of the foreign government to discharge its international obligations.¹⁸ This included the adherence to treaties signed by previous governments and the assumption of debts contracted by former governments. American holdings, by private individuals, in bonds of the foreign governments and investments in private enterprises, were also protected by this new element. Since its announcement, this has been an integral part of the prerequisites of the recognition policy of the United States.

The United States' policy of de factoism was conformed to in the recognition of the new governments of Latin America in the early and middle nineteenth century. America's policy was in opposition to the European Concert, which held this independent movement as a revolutionary threat to the

¹⁸ James D. Richardson, compiler, A Compilation of the Messages and Papers of the Presidents (New York: Bureau of National Literature, Inc., 1897), IX, p. 4420.

legitimate order. America continued this policy in Latin America until 1907, when she altered it in dealing with five Central American Republics. Because of the turmoil caused by so many revolutions in those countries, Doctor Carlos Tobar, of Ecuador, announced a policy in which he called on "collective intervention on the part of the American states to end internal disorders in this hemisphere."¹⁹ This intervention "might at least be the denial of recognition to de facto governments rising out of revolutions against the constitutional regime."²⁰ Five Central American Republics--Honduras, Nicaragua, El Salvador, Costa Rica, and Guatemala--at the request of the Presidents of the United States and Mexico, met at Washington, D. C., in 1907 to consider ways and means of blocking revolutions. The Tobar Doctrine was incorporated into the additional convention to the General Treaty of Peace and Amity signed in February, 1907. It provided that:

The Governments of the High Contracting Parties shall not recognize any other government which may come into power in any of the five Republics as a consequence of a coup d'etat, or of a revolution against the recognized Government, so long as the freely elected representatives of the people thereof, have not constitutionally re-organized the country.²¹

¹⁹ William L. Neumann, Jr., Recognition of Governments in the Americas (Washington: Foundation for Foreign Affairs, 1947), p. 21.

²⁰ Loc. cit.

²¹ Hackworth, op. cit., I, p. 186.

The United States was not a signatory to the treaty, but the fact that the conference was held at Washington with a representative of the American Government in attendance would imply that the results of the conference were agreeable to this government. This break from the original American theory of recognition meant that the United States Government would conform to a policy of legitimacy in recognizing new governments in these five Central American Republics. The theory of de jure recognition was followed only with these republics and was not used in the rest of Latin America at this time.

Soon after the acceptance of this policy of legitimacy in 1907, another important phase of the recognition policy of the United States was announced. That was the policy of "constitutionalism" advocated and adhered to by President Wilson. A complete departure was made from Jefferson's Doctrine, since a new government, in order to be recognized by the United States, must have achieved power within the framework of the constitution of the country. By giving the existing governments a premise of legitimacy, President Wilson was denying the people of those countries the right to select a new form of government by unconstitutional means. The policy of "constitutionalism" was maintained toward all nations. The two most notable examples were the refusal of the Wilson administration to recognize the government of

General Huerta in Mexico and the refusal to recognize the Tinoco regime in Costa Rica. A statement sent to the governments of the Central American Republics in the spring of 1917 is sufficient for an understanding of the reasons given for establishing such a policy:

The Government of the United States has viewed the recent overthrow of the established Government in Costa Rica with the gravest concern and considers that illegal acts of this character tend to disturb the peace of Central America and to disrupt the unity of the American Continent. In view of its policy in regard to the assumption through illegal methods, clearly enunciated by it on several occasions during the past four years, the Government of the United States desires to set forth in an emphatic and distinct manner its present position in regard to the actual situation in Costa Rica which is that it will not give recognition or support to any government which may be established unless it is clearly proven that it is elected by legal and constitutional means.²²

The extent to which the United States adhered to this policy can be seen in the fact that the United States Government prohibited the representatives of Costa Rica from the negotiations of the Peace Conference at Paris and the Treaty of Peace of Versailles.²³

Following the inauguration of President Harding, the policy of "constitutionalism," or de jure recognition, was abandoned and the government, with some exceptions, reverted

²² Foreign Relations, op. cit., 1917, p. 306.

²³ John L. McMahon, Recent Changes in the Recognition Policy of the United States (Washington: The Catholic University of America, 1933), pp. 35-36.

to a policy of de facto recognition.

In summation of this period, one can conclude that, with the exception of the period of the Civil War, the period during which the five Central American Republics were recognized on a de jure basis, and the period of Wilson's "constitutionalism," the seizure of power through violence did not act as a basis for the Government of the United States to refuse recognition. The United States was not concerned with the legality of the foreign government. It wished to see a government derived from the people and not one established arbitrarily over them. Further, the United States was interested in the stability and reliability of the new government in meeting its international obligations, financial and political.

CHAPTER III

THE EXTENSION OF RECOGNITION TO NEW GOVERNMENTS DURING THE PERIOD FROM AUGUST 25, 1921, UNTIL SEPTEMBER 1, 1939, WHEN THEY MET THE PREREQUISITES OF THE JEFFERSONIAN DOCTRINE

The general practice of recognizing foreign governments, aside from the cases mentioned elsewhere, has conformed substantially to the policy instituted by Thomas Jefferson. This policy, with its addition, included the following prerequisites: that the government have control of the administrative machinery of the state; that the government have the acquiescence of the people; and that the government show an ability and willingness to discharge international obligations.²⁴ The failure of a foreign government to meet these requirements, individually or in toto, was cause for the United States to invoke a policy of non-recognition toward it. After meeting these prerequisites, regardless of the form of the government or the manner in which it had obtained control, recognition would be granted.

Recognition was refused the government of Grau San Martin of Cuba in 1933 after a revolution had dispossessed

²⁴ Foreign Relations, op. cit., 1913, p. 100.

President De Cespedes from office. Grau San Martin was one of a committee of five members of the revolutionary group which met to select a new president. Recognition was withheld, as requested by Ambassador Welles, on the grounds that the government did not have adequate control over the machinery of the government and that the people had not acquiesced to this government. On September 11, 1933, the United States Government stated its position:

It would seem unnecessary to repeat that the Government of the United States has no interest in behalf of or prejudice against any political group or independent organization which is today active in the political life of Cuba. In view of its deep and abiding interest in the welfare of the Cuban people and the security of the Republic of Cuba, our Government is prepared to welcome any government representing the will of the people of the Republic and capable of maintaining law and order throughout the Island.²⁵

Conditions in Cuba continued to be unsettled and on January 15, 1934, Grau San Martin resigned. The failure of his government to gain recognition from the United States was an important factor in the fall of his government. Carlos Hevia assumed the Presidency for three days. On January 18, 1934, the Presidency was deposited to Doctor Marquez Sterling, who called for a meeting of the revolutionary leaders to select a new president. Carlos Mendieta, a revolutionary leader, was elected and assumed office. This government was

²⁵ Hackworth, op. cit., pp. 238-39.

recognized on January 23, 1934, after the United States had been assured that the new Government of Cuba had the support of the people and was carrying out the normal functions of a government. Thus, when a government was established which met the requirements of having control of the governmental functions and of being acquiesced in by the people, recognition was no longer withheld, but granted immediately.

The refusal by the United States to recognize the Government of General Obregon in Mexico was based on the refusal of that government to fulfill international obligations. President Wilson had recognized the Carranza Government in January, 1917. In the same year, Mexico adopted a new constitution which included an article declaring the ownership of lands and waters to be vested originally in the nation, which had the power to transmit title thereof to private persons. This article further stated:

Only Mexicans by birth or naturalization, and Mexican companies, have the right to acquire ownership in lands, waters, and their appurtenances, or to obtain concessions to develop mines, waters, or mineral fuels in the Republic of Mexico. The nation may grant the same right to foreigners, provided they agree . . . to be considered Mexicans in respect to such property, and accordingly not to invoke the protection of their Governments in respect to the same,²⁶

²⁶ Senate Documents, Document No. 285, 66th Congress, 2nd Session, II, p. 3127.

Although another article of the constitution prohibited the retroactivity of the above mentioned Article XXVII, the United States Government feared that such an act might take place, and on that basis refused recognition.

President Carranza was prohibited by the Mexican Constitution from a second term of office. The attempts of the President to hand-pick his successor led General Obregon to revolt and seize the government. After Carranza's violent death in 1920, General Obregon was elected President on September 5, 1920.²⁷ The problem of recognizing this new government was left by the Wilson administration to the incoming Harding administration. Recognition was withheld until the problem of American property rights was solved. On June 7, 1921, Secretary Hughes pointed out:

If these provisions (of the Mexican Constitution) are to be put into effect retroactively, the properties of American citizens will be confiscated on a great scale. This would constitute an international wrong of the gravest character, and this Government could not submit to its accomplishment. If it be said that this wrong is not intended, and that the Constitution of Mexico of 1917 will not be construed to permit, or enforced so as to effect, confiscation, then it is important that this should be made clear by guarantees in proper form.²⁸

²⁷ Graham Henry Stuart, Latin America and the United States (third edition; New York: D. Appleton-Century Company, 1938), p. 161.

²⁸ Foreign Relations, op. cit., 1921, II, p. 407.

These guarantees would be in the form of a treaty of peace and amity between the two countries. Secretary Hughes told the Mexican government that the signing of such a treaty would be the basis for granting immediate recognition to the Obregon government. The Mexican Government refused to accept recognition on such a conditional basis. Although the other governments of Latin America accepted the Obregon government, the United States refused recognition for over two years. After negotiations, a mixed commission of American and Mexican representatives met in Mexico City on May 15, 1923, to discuss the difficulties between the two governments. The two outstanding problems to be discussed were the questions arising from the confiscation of American owned land and the dispute over the nationalization of the sub-soil deposits whereby the rights of American nationals were confiscated.²⁹ A compromise, acceptable to both countries, was reached by the mixed commission. At the same time, the problem of retroactivity was also eased by a decision of the Mexican Supreme Court which ruled:

. . . where a concession has been "leased" by the holder, say, to a company, it becomes "an acquired right" and the company or lessee cannot be touched.³⁰

After these assurances that American property rights

²⁹ Stuart, op. cit., p. 164.

³⁰ "Mexico Recognized," Current Opinion, 75:399, October, 1923.

would be protected, the Obregon Government was recognized by the United States on August 31, 1923.³¹

These recognitions were a continuation of the de facto policy of Jefferson. Once foreign governments met the prerequisites, they were granted recognition. The recognition of other governments, with exceptions which will be noted later, was based on a similar policy during this period. A partial list of the governments recognized according to the tenets of the Jeffersonian Doctrine from August 25, 1921, until September 1, 1939, includes:

1. The Tuan Chi-jui government of China in 1924
2. President Zog's government of Albania in 1928
3. The Osorio government of Bolivia in 1930
4. The new government in Argentina in 1930
5. Colonel Vargas' government of Brazil in 1930
6. Cerro's revolutionary government in Peru in 1930
7. The Republican government in Chile in 1932
8. Davila's government in Chile in 1932
9. The government of King Mohammed Zahir of Afghanistan in 1934
10. The Toro Junta in Bolivia in 1936
11. Colonel Francis' government in Paraguay in 1936

³¹ Stuart, op. cit., p. 165.

12. The Enríquez government in Ecuador in 1937
13. Colonel Busch's government in Bolivia in 1937
14. General Franco's government in Spain in 1939.³²

³² Hackworth, op. cit., pp. 222 et seq.

CHAPTER IV

THOSE POLICIES OF RECOGNITION WHICH DEVIATED FROM THE JEFFERSONIAN DOCTRINE

Heretofore, the United States Government asked, generally, only three questions of a new government: do you represent the will of the people; do you have control over the machinery of the government; and will you meet your international obligations? The legality of the government and its political philosophy were not questioned, but following World War I, the United States, in two notable cases, deviated from the original American policy of granting recognition. The deviations occurred in respect to the Government of the Union of Soviet Socialist Republic and the new state of Manchukuo. A third deviation was the continuation of the policy established in 1907 toward the five Central American Republics of Honduras, Guatemala, Costa Rica, Nicaragua, and El Salvador.

A number of internal and international conditions caused the Czar of Russia to abdicate on March 15, 1917, in favor of his brother, Grand Duke Michael. The Grand Duke refused to accept the throne unless he be called by the people. When the call was not forthcoming, a Provisional Government, composed of Cabinet members, was established.

The United States was the first foreign government to recognize this Provisional Government, doing so on the 22nd of March, 1917.³³ The Russian Government, although aided financially and diplomatically by her Allies of World War I, fell after a few turbulent months to the Bolsheviks on November 7, 1917. The immediate aims of this new Russian Republic were:

1. To withdraw from the war;
2. To bring about an immediate social and economic revolution; and,
3. To establish a government built on a system of soviets.³⁴

Immediate attempts were made to withdraw from the war. These were partially fulfilled when a formal armistice was concluded between the Soviet Government and the Central Powers on December 15, 1917. Since a general peace between the belligerents could not be developed, the Soviet Government was forced to sign a separate peace, the Treaty of Brest-Litovsk, on March 3, 1918. The Allied Powers had, naturally, attempted to keep Russia in the war. Following the peace treaty, the United States Government, after

³³ Foreign Relations, op. cit., 1917, p. 1211.

³⁴ H. D. Houghton, Policy of the United States and other Nations with Respect to the Recognition of the Russian Soviet Government, 1917-1929 (Carnegie Endowment For International Peace, International Conciliation, Document No. 247, 1929), pp. 10-11.

considerable debate, decided to intervene in Russia. The purpose of such intervention was:

1. To render such protection and help as was possible to the Czechoslovaks;

2. To steady any efforts at self government or self defense in which the Russians themselves might be willing to accept assistance.³⁵

Obviously, the Soviet Government did not accept this intervention as an act of a friendly government. But it must be remembered that any policy pursued by this government was, at that time, conditioned by the exigencies of war.

The second objective of the Soviet Government was achieved by issuing several decrees, among which was the following:

. . . private ownership of land is abolished, and the whole land fund is declared common property and transferred to the laborers without compensation, on the basis of equalized use of the soil.

All forests, minerals, and waters of state wide importance, as well as the whole inventory of animate and inanimate objects, all estates and agricultural enterprises are national property . . .

The transfer of all banks into the ownership of the Workers' and Peasants' State is confirmed . . .³⁶

³⁵ "Allied Intervention in Russia," Current History, 8, Pt. 2:465-66, August, 1918.

³⁶ Russian Documents (Carnegie Endowment for International Peace, International Conciliation, Document No. 136, March, 1919), p. 420.

On January 21, 1918, the Soviets announced that "unconditionally, and without any exceptions, all foreign loans are annulled."³⁷

President Wilson's administration refused recognition chiefly on the basis that the Government of the Soviets was not sanctioned by the Russian people and that it would not fulfill its international obligations. Secretary of State Colby, in a candid note to the Italian Ambassador to the United States, on August 10, 1920, stated officially the policy of the United States Government as:

That the present rulers of Russia do not rule by the will or the consent of any considerable proportion of the Russian people is an incontestable fact. . . . At the moment when the work of creating a popular representative government based upon universal suffrage was nearing completion the Bolsheviki, although, in number, an inconsiderable minority of the people, by force and cunning seized the powers and machinery of government, and have continued to use them with savage oppression to maintain themselves in power.

These facts, which none dispute, have convinced the Government of the United States, against its will, that the existing regime in Russia is based upon the negation of every principle of honor and good faith and every usage and convention, underlying the whole structure of international law; the negation, in short, of every principle upon which it is possible to base harmonious and trustful relations, whether of nations, or of individuals. The responsible leaders of the regime have frequently and openly boasted that they are willing to sign agreements and undertakings with foreign Powers while not having the slightest intention of observing such undertakings or carrying out such agreements.

³⁷ Brown, op. cit., p. 291.

. . . the very existence of Bolshevism in Russia, the maintenance of their own rule, depends, and must continue to depend, upon the occurrence of revolutions in all other great civilized nations, including the United States, which will overthrow and destroy their governments and set up Bolshevik rule in their stead.³⁸

In January 1921, Secretary Colby reiterated the same reasons for withholding recognition:

. . . refusal 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, . . . Even more, however, it was due to the fact that the Soviet authorities announced that they would not be bound in any matter by their most solemn pledges,
 . . .³⁹

There was no change in this policy when the Republican administration of President Harding assumed office. This is evidenced by a statement made on March 21, 1923, by Secretary of State Hughes to a delegation of the Women's International League for Peace and Freedom. They were told:

The fundamental question in the recognition of a government is whether it shows ability and a disposition to discharge international obligations . . . In their decree of January 21, 1918, they made this simple statement: "Unconditionally, and without any exceptions, all foreign loans are annulled."

I have yet to hear of any change in this announcement of the Soviet authorities . . .

Not only would it be a mistaken policy to give encouragement to repudiation and confiscation, but it is also important to remember that there should be no encouragement to those efforts of the Soviet authorities

³⁸ Foreign Relations, op. cit., 1920, III, pp. 466-67.

³⁹ The New York Times, January 30, 1921.

to visit upon other peoples the disasters that have overwhelmed the Russian people.⁴⁰

The refusal to recognize the Government of Soviet Russia on the grounds that the government did not represent the will of the people was cast aside in 1923. In a letter to Samuel Gompers, President of the American Federation of Labor, on July 19, 1923, Secretary Hughes wrote:

It must be borne in mind, however, that while this Government has laid stress upon the value of expressed popular approval in determining whether a new government should be recognized, it has never insisted that the will of the people of a foreign State may not be manifested by long-continued acquiescence in a regime actually functioning as a government.⁴¹

President Coolidge in his message to Congress on December 6, 1923, re-stated the same reasons for non-recognition as those set forth by the Wilson administration, with the exception of the consent of the people. He also added that when the Soviets met these requirements, the United States, by reason of its previous policies of recognition, should be the first nation to recognize them.⁴² Immediately after this announcement, and with the hope that this last statement was the acknowledgment of a shift in America's position, the People's Commissar for Foreign Affairs,

⁴⁰ "Should the United States Government recognize Soviet Russia?" Congressional Digest, 12:231, October, 1923.

⁴¹ The New York Times, July 25, 1923.

⁴² The Congressional Record, 68th Congress, 1st Sessions, 65, Pt. 1:451.

Chicherin, sought to reopen negotiations between the two governments, Secretary Hughes' reply was a convincing denial of any change in this government's attitude toward recognizing the Soviet Government. The reply stated:

There would seem to be at this time no reason for negotiation. The American government . . . 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.

Most serious is the continued propaganda to overthrow the institutions of this country. The Government can enter into no negotiations until these efforts directed from Moscow are abandoned.⁴³

From 1923 until 1933, each succeeding Secretary of State declared that this government would not recognize the Soviet Government until the latter acknowledged its debts, compensated Americans for property confiscated, and ceased to agitate for the overthrow of the American Government.

When Franklin D. Roosevelt was inaugurated as President, the United States was in the midst of the greatest depression that this country had ever suffered. Many private citizens thought that renewed diplomatic relations with Russia would ease or erase the depression. The announcement in

⁴³ The Congressional Record, loc. cit.

Washington on July 2, 1933, that the Reconstruction Finance Corporation had authorized loans totaling four million dollars to American exporters to finance the sale of cotton to the Amtorg Trading Corporation, signaled to the world that United States' recognition was not far off.⁴⁴ President Frankling Roosevelt began the negotiations to re-open diplomatic relations when he addressed a note to President Kalinin of Russia on October 10, 1933. In this note, the President referred to the abnormal situation existing between the two nations, which had resulted in the absence of the usual diplomatic methods of communication. The problems confronting the two countries, said the President, were serious but "not insoluble" and expressed a willingness to receive Soviet representatives to discuss the problems between the two countries.⁴⁵ President Kalinin's reply of October 17, 1933, stated that the Soviet Government would be glad to discuss the relations existing between the two governments and that Mr. M. M. Litvinov would represent the Soviet Government at such a meeting. Negotiations began on November 8, 1933, in Washington. Twelve days later, on November 16, 1933, President Roosevelt

⁴⁴ The New York Times, July 3, 1933.

⁴⁵ "Recognition of Russia," Congressional Digest, 12:317-18, December, 1933.

addressed a note to Mr. Litvinov stating:

. . . the Government of the United States has decided to establish normal diplomatic relations with the Government of the Union of Soviet Socialist Republics and to exchange ambassadors.⁴⁶

Mr. Litvinov replied the same day that his government was glad to establish normal diplomatic relations with this government. At the same meeting notes were exchanged adjusting a number of pending questions preparatory to a final settlement of the claims between the two governments. These notes dealt with propaganda, religious liberty, protection of the rights of nationals in these countries, economic espionage, holding of a consular convention assuring the most-favored-nation treatment by each nation to the other, the waiving by Russia of all claims arising out of the American expedition into Siberia, and the promise of future negotiations to settle all outstanding questions, including claims and other indebtedness.⁴⁷

The United States' policy of non-recognition was based, primarily, on the unwillingness of the Soviet Government to fulfill international obligations and the subversive activities against this government which were directed from Moscow.

⁴⁶ "Exchange of Communications Between the President of the United States and Maxim M. Litvinov People's Commissar for Foreign Affairs of the Union of Soviet Socialist Republic," Supplement to the American Journal of International Law, 28:2-11, January, 1934.

⁴⁷ Loc. cit.

The former, as stated elsewhere, had previously been given as a reason for not recognizing a new government. But this last was a new element in America's policy of recognition.

The United States recognition policy toward the five Central American Republics of El Salvador, Honduras, Costa Rica, Guatemala and Nicaragua had been conditioned by the Treaty of Peace and Amity of 1907. This refusal to recognize any government established by a coup d'etat or by a revolution was adhered to by the United States until 1923, when these five republics met in Washington to reaffirm and strengthen the 1907 treaty. The effects of this conference on the recognition of foreign governments are embodied in Article II of the General Treaty of Peace and Amity of 1923.⁴⁸ Once again the United States was not a signatory to the treaty, but her position as sponsor would imply that this government had no objections to the content of the treaty. This was verified by Secretary Hughes' speech in which he stated that the United States would follow the principles established by the treaty. This meant a further departure from Jefferson's Doctrine in the recognition of the governments in these five countries.⁴⁹

⁴⁸ Appendix A.

⁴⁹ George Wheeler Hinman, Jr., "The United States' Ban on Latin American Rebels," Current History, 20:69, April, 1924.

The same year; 1923, that the Treaty of Peace and Amity was signed by the five republics, the United States invoked it in Honduras. That country was to have an election during the year, but American observers thought that there would be a revolution attempted by the government's opposition before the election could be held. Secretary Hughes wrote to the President of Honduras warning him that:

The attitude of the Government of the United States with respect to the recognition of new Governments in the five Central American Republics whose representatives signed at Washington on February 7, 1923, a General Treaty of Peace and Amity, will be consonant with the provisions of Article II.⁵⁰

Although the election was held, no presidential candidate received a majority. The Congress of Honduras, which was then to select a president from among the candidates, failed to agree on a candidate. Thereupon, the incumbent President, Lopez Gutiérrez, on February 1, 1924, the date the new president was to have been inaugurated, seized the government. Abiding by the Treaty of Peace and Amity of 1923, the United States Government refused to recognize Gutiérrez on the grounds that his government had not been constitutionally elected. The Conservative Party of Honduras, led by Generals Carías, Tosta, Martínez Funes

⁵⁰ Raymond Leslie Buell, "The United States and Central American Revolutions," Foreign Policy Reports, 7:1933, July 22, 1931.

and Ferrara, revolted against the Gutiérrez government claiming that General Carías, who had received a plurality in the election, should be president. The disorder continued in the country; American Marines were landed; and Mr. Sumner Welles, on April 8, 1924, was sent as mediator. As a result of this mediation, a provisional government was established on May 3, 1924, under General Tosta. After the election of Doctor Paz Barahona, a Conservative Party leader, and his assumption to office, the United States renewed diplomatic relations with a government whose establishment was not inconsistent with the Treaty of Peace and Amity of 1923.⁵¹

Nicaragua, a signatory to the Treaty of 1923, also found the principles of the agreement applied to her by the United States in 1926. In 1925, General Chamorro, a leader of the Conservative Party, and former President of Nicaragua, attempted to force the Liberal element out of President Solorzano's cabinet. Although General Chamorro was not able to obtain complete control of the government at that time, he continued a series of military and political moves designed to win the presidency. President Solorzano had remained in office while this maneuvering was in action,

⁵¹ Buell, op. cit., p. 197.

but in January, 1926, he was forced to resign. On January 17, 1926, General Chamorro was elected by the Nicaraguan Congress as Solorzano's successor. Recognition by the United States was refused on the grounds that:

The United States has adopted the principles of that Treaty (the Treaty of Peace and Amity of 1923) as its policy in the future recognition of Central American Governments as it feels that by so doing it can best show its friendly disposition towards and its desire to be helpful to, the Republics of Central America.

It is therefore with regret that I have to inform you that the Government of the United States has not recognized and will not recognize as the Government of Nicaragua the régime now headed by General Chamorro, as the latter was duly advised on several occasions by the American Minister . . . 52

Revolutions continued to break out in Nicaragua during the summer of 1926. Since General Chamorro was unable to quell the revolt which began in August, 1926, he accepted the offer of the United States Government to mediate the dispute between the Liberal and Conservative Parties. Accordingly, an unsuccessful conference was held at Corinto from October 16th to 24th, 1926.⁵³ Following the failure to settle the issues between the two parties, hostilities were resumed. General Chamorro was then forced to resign and deposited

⁵² "The United States and Nicaragua: Survey of the Relations from 1909 to 1922," Department of State, Publication No. 339, p. 58.

⁵³ Ibid., p. 62.

the Presidency in Sebastian Uriza.⁵⁴ The Nicaraguan Congress was then assembled and elected Adolfo Diaz to the Presidency. Recognition was extended by the United States to this government on November 17, 1926. Although the United States Government accepted the Diaz Government, the Liberal Party of Nicaragua refused to do so. The Liberal Party elected Doctor Sacasa as their President and established another Nicaraguan Government. Despite material aid sent to his government by the United States, President Diaz could not subdue the insurgents. American military personnel was also sent to Nicaragua; over two thousand American Naval and Marine Corps personnel were landed there by March, 1927.⁵⁵ Although the American forces did not go into the field to oppose the revolutionist, the establishment of certain "neutral zones" and the guarding of property invested with American interest relieved the Diaz Government of such duty and permitted it to field more men. In April, 1927, President Coolidge sent Colonel Henry L. Stimson to Nicaragua to report on the situation. His report was a condemnation of America's recognition policy toward these five Central American Republics. The report said in part, that "owing to government

⁵⁴ Neumann, op. cit., p. 23.

⁵⁵ Loc. cit.

controlled elections the only way to accomplish change in party control of the Government is by revolution or coup d'etat."⁵⁶ Since both of these methods had been outlawed by the Treaty of Peace and Amity of 1923, the United States was denying the people of Nicaragua the right upon which the United States Government, itself, was founded.

The revolution continued in Nicaragua until in 1928, when the two political parties agreed to hold an election, supervised by the United States.⁵⁷ This election, in which the United States refused to permit General Chamorro to be a candidate, resulted in the inauguration of General José Moncada, a Liberal candidate, as President. Recognition was then extended to the Moncada Government by the United States.

After consistently following the regional policy established by the Treaty of Peace and Amity of 1923, the United States was forced to modify its position in 1934. In December, 1931, the Government of President Arturo Araujo, of El Salvador, fell to a revolutionary movement. The Vice President, General Hernandez Martinez, assumed the Presidency. After consultation with the other signatories of the Treaty of Peace and Amity of 1923, the Department of

⁵⁶ Department of State, op. cit., p. 72.

⁵⁷ Ibid., p. 78.

State issued the following note:

As concerns the present situation in Salvador growing out of the recent revolution in that country it is clear that the regime headed by General Martinez is barred from recognition by the terms of the 1923 treaty. It is clear, first, that General Martinez has come into power through a revolution and that the country has not been constitutionally reorganized by the freely elected representatives of the people; and, second, even in the event of such constitutional reorganization, General Martinez could not be recognized inasmuch as he held office as Minister of War up⁵⁸ to a few days prior to the out break of the revolution.

The Governments of Costa Rica and El Salvador, with Martinez acting as President, denounced the Treaty of Peace and Amity of 1923, effective as of January 1, 1934. Whereupon, the Government of Costa Rica recognized the Martinez Government of El Salvador. The remaining signatories agreed to accept the Treaty of 1923 as binding among themselves but not with respect to Costa Rica and El Salvador.⁵⁹ The Governments of Honduras, Nicaragua, and Guatemala then recognized the Martinez Government. The United States adopted a similar policy and recognized the Martinez Government on January 26, 1934.⁶⁰

This is not an evaluation of the Tobar Doctrine as applied to these five Central American Republics. The purpose is to acknowledge that such a policy of legitimacy

⁵⁸ Lester H. Woolsey, "The Recognition of the Government of El Salvador," American Journal of International Law, 28:327, April, 1934.

⁵⁹ Hackworth, op. cit., p. 279.

⁶⁰ Neumann, op. cit., p. 24.

was pursued by the United States from 1907 until the Roosevelt administration returned to the Jeffersonian Doctrine of recognizing revolutionary governments as soon as they had stabilized their control of the country.

On September 18, 1931, Japanese troops attacked Chinese garrisons in several southern Manchurian cities. The background leading to this attack is much too involved to be considered here; but a summation of the relations between China and Japan in Manchuria can be found in the report of the Lytton Commission to the League of Nations. The report declares:

This summary of the long list of Japan's rights in Manchuria shows clearly the exceptional character of the political, economic, and legal relation created between that country and China in Manchuria. There is probably nowhere in the world an exact parallel to this situation, no example of a country enjoying in the territory of a neighbouring State such extensive economic and administrative privileges.⁶¹

Three days after the Japanese attack, the Government of China formally appealed to the League of Nations. This appeal was based on Article XI of the Covenant of the League of Nations, which states that "any war or threat of war is a matter of concern to the League."⁶² Thus the attention of the League of Nations was brought to the conflict.

⁶¹ "Manchuria: Report of the Commission of Inquiry Appointed by the League of Nations," Department of State, Publication No. 378, p. 38.

⁶² Ruhl J. Bartlett, editor, The Record of American Diplomacy (New York: Alfred A. Knopf, 1947), p. 464.

This "incident" was of specific interest to the United States, because Japan, China, and the United States had been parties to the Pact of Paris and to those sections of the Nine-Power Treaty of Washington relating to the Far East.

The Pact of Paris, concluded at Paris, August 27, 1928, declared, in part:

The high contracting parties agree that the settlement or solution of all disputes or conflicts of whatever nature or of whatever origin they may be, which may arise among them, shall never be sought except by pacific means.⁶³

The Nine-Power Treaty found the signatories "respecting the sovereignty, the independence, and the territorial and administrative integrity of China."⁶⁴ Furthermore, under Article VII of the treaty, there was to be full and frank communication between the signatories when any situation developed which might involve the application of the treaty.⁶⁵

In the first phase of this conflict between China and Japan, the United States chose to follow a policy of cooperation and support of the League of Nations in its decisions, instead of establishing a unilateral policy. On October 5, -

⁶³ Ibid., p. 521.

⁶⁴ Ibid., p. 489.

⁶⁵ Ibid., p. 490.

1938, in a telegram to Sir Eric Drummond, Secretary of State Stimson wrote:

On its part the American Government acting independently through its diplomatic representatives will endeavor to reinforce what the league does and will make it clear that it has a keen interest in the matter and is not oblivious to the obligations which the disputants have assumed to their fellow signatories in the pact of Paris as well as in the nine-power pact. . . . By this course we avoid any danger of embarrassing the league in the course to which it is now committed.⁶⁶

This policy of cooperation and support gave way in 1938 to an independent policy. The apex of this policy was the famous Stimson Doctrine which was based on the Bryan-Lansing non-recognition doctrine of 1915.⁶⁷ On January 7, 1938, Secretary Stimson sent identical notes to Japan and China informing them that:

. . . it (the American Government) can not admit the legality of any situation de facto nor does it intend to recognize any treaty or agreement entered into between those governments, or agents thereof, which may impair the treaty rights of the United States or its citizens in China, including those which relate to the sovereignty, the independence or the territorial and administrative integrity of the Republic of China, or to the international policy relative to China, commonly known as the open-door policy; and that it does not intend to recognize any situation, treaty, or agreement which may be brought about by means contrary to the covenants and obligations of the Pact of Paris of August 27, 1928, to which treaty both China and Japan, as well as the United States, are parties.⁶⁸

⁶⁶ Ibid., p. 530.

⁶⁷ Ibid., p. 421.

⁶⁸ Senate Documents, Document No. 55, 78th Congress, 1st Session, p. 54.

Secretary Stimson, in a letter directly addressed to Senator William E. Borah, chairman of the Senate Foreign Relations Committee, but indirectly addressed to the "five unnamed addressees," on February 23, 1933, extended this non-recognition policy to violations of the Nine-Power Treaty as well as the Pact of Paris.⁶⁹ Originally this policy announced by Secretary Stimson was a unilateral declaration, but, on its adoption, almost verbatim, by the Assembly of the League of Nations on March 18, 1933, was transformed into an almost universal policy.

To repudiate charges from abroad that the incoming Roosevelt administration would not follow the Stimson Doctrine, Secretary Stimson, after a meeting with the President-elect on January 9, 1933, announced that there would be no change in the relations with Manchukuo.⁷⁰ Mr. Roosevelt, himself, issued a statement to the press on January 17, 1933, in which he said:

I am, however, wholly willing to make it clear that America's foreign policies must uphold the sanctity of international treaties. This is the cornerstone on which all relations between nations must rest.⁷¹

⁶⁹ Henry Louis Stimson, The Far Eastern Crises (New York: Harpers and Brothers, 1936), pp. 166-175.

⁷⁰ The New York Times, January 18, 1933.

⁷¹ The area previously known as Manchuria declared itself independent in February, 1933, and assumed the name of Manchukuo.

That President Roosevelt honored this commitment is evidenced by the fact that his administration refused to extend recognition to Manchukuo.

The Stimson Doctrine was not a declaration concerning the non-recognition of a government. However, by its provisions, there was an implication that new governments established by policies contrary to the Pact of Paris and the Nine-Power Treaty would not be recognized.

CHAPTER V

SUMMARY AND CONCLUSIONS

As one of the major powers of the world, it is unrealistic to expect the United States to take a minor role in international relations. One of the elements of these relations is the recognition of foreign governments. The United States Government has followed, according to this survey, the following policies of recognition:

1. The practice of recognizing de facto governments when they met the prerequisites of: representing the will of the people; carrying out the normal functions of a government; and, showing an ability and willingness to fulfill international obligations.

2. Until 1934, and with the acquiescence of the five Central American Republics of Honduras, Costa Rica, Guatemala, El Salvador, and Nicaragua, the United States required that new governments be established on principles consistent with the General Treaty of Peace and Amity of 1923. These principles, in fact, meant that the United States had adopted a policy of legitimacy in the recognition of new governments in those countries.

3. The policy of non-recognition toward the Government of the Union of Soviet Socialist Republic was based, mainly,

on that government's refusal to assume its international obligations and the agitation, directed from Moscow, for the overthrow of the United States Government. When the Russian Government settled these differences, recognition was granted.

4. The refusal of the United States to recognize any agreement or treaty resulting from a violation of the anti-war Pact of Paris, of 1927, or the violation of those sections of the Nine-Power Treaty of Washington concerned with the sovereignty and the territorial or administrative integrity of China were embodied in the Stimson Doctrine as applied to Manchukuo. This state and government was never recognized by the United States.

CONCLUSIONS

With the establishment of the de facto policy of recognition, there was a setting forth of a politically ideal, or morally correct pattern, from which future policies of recognition might be drawn. It embodied in its rules those principles which permitted the recognition of any government established according to a certain code. Since the politically ideal is rarely, if ever, politically expedient, there was not strict adherence to this pattern. In tracing the paths followed by the United States in its policies of recognition, it is fairly evident that the protection of economic

interests and a nationalistic policy were followed. In the case of Russia, the "Red Scare" following World War I, the protection of American investments in Russia, and the fear of a new political ideology were used as a basis for not recognizing the Soviet Government. In Manchukuo, it was the underlying fear of the Japanese militarists that conditioned the United States' policy of recognition. Certainly one of the main reasons for the adherence of the United States to the principles as set forth in the General Treaty of Peace and Amity of 1923 was the protection of American economic interests in Central America.

In this age when international considerations should prevail over national interests, the United States pursued a policy of recognition built upon the national aims and interests of this country. The ideal had been announced by the United States in 1792 when this country was struggling to maintain its status as a nation. After the United States had been established as a great power, she adopted certain policies of recognition contrary to the Jeffersonian Doctrine, in cases where the interests of this nation were involved. Thus, the recognition policy of the United States has been one that shifted from the de jure policy of recognition to the de facto policy of recognition whenever the interests of the United States were affected.

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APPENDIX

APPENDIX A

THE SECTION OF THE GENERAL TREATY OF PEACE AND AMITY OF 1923,
CONCERNED WITH THE RECOGNITION OF FOREIGN GOVERNMENTS

Article II. Desiring to make secure in the Republics of Central America the benefits which are derived from the maintenance of free institutions and to contribute at the same time toward strengthening their stability and the prestige with which they should be surrounded, they declare that every act, disposition or measure which alters the constitutional organization in any of them is to be deemed a menace to the peace of said republics, whether it proceed from any public power or from the private citizens.

Consequently, the governments of the contracting parties will not recognize any other government which may come into power in any of the five republics through a coup d'etat or a revolution against a recognized government, so long as the freely elected representatives of the people thereof have not constitutionally reorganized the country. And even in such a case they obligate themselves not to acknowledge the recognition if any of the persons elected as President, Vice President or Chief of State designate should fall under any of the following heads:

- 1) If he should be the leader or one of the leaders

of a coup d'etat or revolution, or through blood relationship or marriage, be an ascendant or descendant or brother of such leader or leaders.

2) If he should have been a Secretary of State or should have held some high military command during the accomplishment of the coup d'etat, the revolution, or while the election was being carried on, or if he should have held this office or command within the six months preceding the coup d'etat, revolution, or the election.

Furthermore, in no case shall recognition be accorded to a government which arises from election to power of a citizen expressly and unquestionably disqualified by the Constitution of his country as eligible to election as President, Vice President, or Chief of State designate.⁷²

⁷² "General Treaty of Peace and Amity of February 7, 1923," op. cit., pp. 118-119.