E. The Struggle over the Peace Treaty

1. The Text of Article X (1919)

Wilson regarded the League of Nations as the backbone of the Treaty of Versailles, and Article X of the League Covenant, which he had partly authored, as the heart of the League. He envisaged the members of the League constituting a kind of police force to prevent aggression. What weaknesses are contained in the wording of this article?

The Members of the League undertake to respect and preserve, as against external aggression, the territorial integrity and existing political independence of all Members of the League. In case of any such aggression, or in case of any threat or danger of such aggression, the Council shall advise upon the means by which the obligation shall be fulfilled.

[All member nations were represented in the Assembly of the League of Nations; only the great powers (originally Britain, France, Italy, and Japan) were represented in the Council. The same general scheme was adopted by the United Nations in 1945.]

2. Wilson Testifies for Article X (1919)

The already ominous mood of the Senate had grown uglier when Wilson conspicuously snubbed that body in framing the peace. The Republican majority was led by the aristocratic Senator Henry Cabot Lodge of Massachusetts, who was also chairman of the potent Committee on Foreign Relations. He was determined to Republicanize and Americanize the pact by adding reservations that would adequately safeguard U.S. interests. To avert such a watering down, Wilson met with the entire Foreign Relations Committee at the White House on August 19, 1919, and underwent about three and a half hours of grilling. Much of the discussion revolved about Article X. How persuasive is Wilson’s defense?

[The President.] Article X is in no respect of doubtful meaning, when read in the light of the Covenant as a whole. The Council of the League can only “advise upon” the means by which the obligations of that great article are to be given effect to. Unless the United States is a party to the policy or action in question, her own affirmative vote in the Council is necessary before any advice can be given, for a unanimous vote of the Council is required. If she is a party, the trouble is hers anyhow. And the unanimous vote of the Council is only advice in any case. Each Government is free to reject it if it pleases.

Nothing could have been made more clear to the [Paris] conference than the right of our Congress under our Constitution to exercise its independent judgment in all matters of peace and war. No attempt was made to question or limit that right.

The United States will, indeed, undertake under Article X to “respect and preserve as against external aggression the territorial integrity and existing political independence of all members of the League,” and that engagement constitutes a very grave and solemn moral obligation. But it is a moral, not a legal, obligation, and leaves our Congress absolutely free to put its own interpretation upon it in all cases that call for action. It is binding in conscience only, not in law.

Article X seems to me to constitute the very backbone of the whole Covenant. Without it the League would be hardly more than an influential debating society.

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1Senate Documents, no. 76, 66th Cong., 1st sess. (August 19, 1919), vol. 13, pp. 6, 19.
Senator [Warren G.] Harding. Right there, Mr. President, if there is nothing more than a moral obligation on the part of any member of the League, what avail Articles X and XI?

The President. Why, Senator, it is surprising that the question should be asked. If we undertake an obligation we are bound in the most solemn way to carry it out. . . . There is a national good conscience in such a matter. . . .

When I speak of a legal obligation, I mean one that specifically binds you to do a particular thing under certain sanctions. That is a legal obligation. Now a moral obligation is of course superior to a legal obligation, and, if I may say so, has a greater binding force. . . .

[Never too respectful of the "bungalow-minded" members of the Senate, Wilson remarked several days later that Senator Harding, destined to be his successor, "had a disturbingly dull mind, and that it seemed impossible to get any explanation to lodge in it.]"

3. The Lodge-Hitchcock Reservations (1919)

Wilson finally agreed to accept mildly interpretative Senate reservations that the other powers would not have to approve. He balked, however, at the more restrictive terms of the fourteen Lodge reservations. These were made a part of the resolution of ratification and would require the assent of three of the four other major powers (Britain, France, Italy, Japan). To Wilson, such a course was unnaturally and humiliating, besides, be detested Senator Lodge. He insisted that the Republican Lodge reservations, notably the one on Article X, denaturalized the entire treaty. In the following, on the left, appears the Lodge reservation to Article X, which Wilson resentfully rejected. On the right appears the Democratic interpretative reservation, which Senator Hitchcock (the Senate minority leader) had drafted after consulting Wilson. This version Wilson was willing to accept. What are the main differences between the two versions? Are those differences substantial enough to justify Wilson's refusal to accept the Lodge reservation?

Lodge Reservation to Article X (November 1919)

The United States assumes no obligation to preserve the territorial integrity or political independence of any other country or to interfere in controversies between nations—whether members of the League or not—under the provisions of Article X, or to employ the military or naval forces of the United States under any article of the treaty for any purpose, unless in any particular case the Congress, which, under the Constitution, has the sole power to declare war or authorize the employment of the military or naval forces of the United States, shall by act or joint resolution so provide.

Hitchcock Reservation to Article X (November 1919)

That the advice mentioned in Article X of the covenant of the League which the Council may give to the member nations as to the employment of their naval and military forces is merely advice which each member nation is free to accept or reject according to the conscience and judgment of its then existing Government, and in