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Woodrow Wilson's contribution to the covenant of the League of Nations

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BOSTON UNIVERSITY

GRADUATE SCHOOL

Thesis

WOODROW WILSON'S CONTRIBUTION
TO THE COVENANT OF THE LEAGUE OF NATIONS

by

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Outline

- I. Introduction - Background of the League of Nations Idea.....p.1
 1. Woodrow Wilson's early interests.....p.2
 2. Peace Activities in the United States. p.4
 3. The Activities of Colonel E. M. House in the interest of Peace.....p.12
 4. Development of Wilson's interest in the League.....p.27
 5. Peace Activities in Europe.....p.30
- II. The idea of the League in written form....p.31
 1. House Draft written at President Wilson's request.....p.32
 2. President's First Draft - written upon receipt of House Draft.....p.33
 3. President's Second Draft - written in Paris after interviews with representatives from European nations and after reading General Smuts Practical Suggestion.....p.41
 4. President's Third Draft - written after suggestions from General Bliss and Mr. Miller had been received.....p.50
 5. Hurst-Miller Draft - attempt at a composite draft combining American and British views.....p.53
 6. President's Fourth Draft - written because of dissatisfaction with Hurst-Miller Draftp.54
 7. Conclusions with regard to Wilson's contributions to document which formed basis for discussion in committee meetings...p.58

III. Work of Commission to Draft a Covenant of the League of Nations.....	p. 60
1. Preliminary work of Wilson and others interested in the League.....	p. 60
2. Appointment of Commission - personnel...	p. 61
3. Committee meetings - method of procedure.....	p. 63
4. Important discussions in early meetings.	p. 67
5. Presentation of Covenant to Peace Conference at Plenary Session.....	p. 73
6. Work done in later meetings to modify Covenant to suit United States Senate...	p. 74
7. Acceptance by Conference.....	p. 77
8. Mr. Wilson's work as chairman of Commission.....	p. 78
IV. Conclusion - estimate of work done by Wilson to make a League of Nations.....	p. 79

One of the popular fallacies of post-war history has been that of giving to Woodrow Wilson the entire credit, or blame, for the creation of the League of Nations. It is thought that he conceived the idea, wrote the covenant which became a part of the treaty and then forced it upon the world. Only a few hours of reading in this field will convince one that although he wrote five drafts for the covenant, he acted more as an editor than as an author of the document that finally became a part of the Treaty of Versailles. However, many writers on the subject do agree that if it had not been for his untiring efforts to make the League a reality, it would never have become a part of the Treaty of Versailles.

It is the purpose of this paper to show when and how Mr. Wilson came to the belief that a League of Nations should be one result of the peace negotiations, what he did to produce a document which would be acceptable to the powers at the peace conference and finally what he did to insure its incorporation into the Versailles Treaty.

Woodrow Wilson as a student was primarily interested in American history and government. When a senior at Princeton in 1878 he wrote a critical paper on congressional procedure that was published in the International Review. After an interlude during which he studied law at Virginia University and practiced it in Georgia he entered

Johns Hopkins University and continued his study of these subjects. His principal interest at this time was still the American government. Commenting on this attitude, which seems strange in the light of present-day concern over foreign affairs, Professor Henry B. Gardner (1), a fellow student, said that no one in those days had any particular interest in European problems. This point of view on the part of the educated group no doubt explains why nothing on the subject of our foreign relations can be found in Mr. Wilson's early writings. As a student of history he must have been aware of the schemes advanced for world peace by Grotius, Alexander I and others, but they could have made no impression upon him for there is nothing in what he said or wrote on the subject later to even remotely connect his own ideas with any of theirs.

The first year of Wilson's administration as President of the United States was devoted to domestic reform. When the new president did turn his attention to foreign relations he adopted an advanced position. He promised the South and Central American countries that we would not meddle in their affairs in the name of the Monroe Doctrine. Mexico was given to understand that we would not take advantage of a weak neighbor for our own profit. Wilson gave

1. Professor Emeritus of Economics, Brown University. Comment made during conversation with Professor Gardner. Quoted with his permission.

greater independence to the Philippines in the management of their government. These policies and measures were labeled "Golden Rule Diplomacy" and were scoffed at by many of his political opponents. (1) There are those who believed that this reform in the relations ^ the United States and her South and Central American neighbors presaged Wilson's later attempt to embody a like idea in the Covenant of the League of Nations.

In order to understand more clearly the background of Wilson's ideas for a League it is advisable to learn something of the societies and other organizations in the United States that had been working on methods for maintaining permanent peace. These may be divided into three groups; those formed before the United States joined as a belligerent, and those formed after April 17, 1917. The societies which made up the third group were interested chiefly in dispensing favorable propaganda for the League of Nations. Their activities are not important to this paper since they were carried on after the covenant had been written.

The group of societies formed before the war gave aid and publicity to the attempts that were being made to settle international disputes by arbitration. The first of these societies, founded in 1910, was called the American Society for the Judicial Settlement of International Disputes. Its members were lawyers, publicists and eminent

1. Dodd, W.E., Woodrow Wilson and his Work, p.135

citizens. (1) It had for its aim the establishment of a Court of Arbitral Justice at the Hague such as had been recommended by the Hague Conference of 1907.

Another society in this group, the American Institute of International Law, was founded in Washington in 1912. It had for its object the propagation in America of the principles of justice which ought to prevail in the relations between states. There were one hundred members or about five from each of the states of North and South America.

The Hague Conferences of 1899 and 1907 should also be mentioned as influences for peace. Peace Congresses were held from time to time in different parts of the world in order to acquaint the public with what was being done for peace and to arouse world-wide interest in the cause. National Peace Congresses held in some countries helped to spread the idea still more widely.

The World Federation League, a short-lived organization, was a product of such meetings. It prevailed upon Congress to pass a resolution which was approved by President Taft on June 25, 1910. The President was authorized to appoint a commission "to consider the expediency of

1. Phelps, E.M., Selected Articles on a League of Nations, p.41. From an article by Charles H. Livermore, Secretary of the New York Peace Society in World Court 3; 72-9, March 1917.

of utilizing existing international agencies for the purpose of limiting the armaments of the nations of the world by international agreement, and of constituting the combined force for the preservation of universal peace, and to consider and report upon any other means to diminish the expenditures of government for military purposes and to lessen the probabilities of war." (1) The President approved the resolution and, although it is believed to be the first attempt made by any legislative body to initiate an organization of the nations of the world with or without the element of force, it came to naught because no other nation was interested. The commission was never named. (2)

After the outbreak of the war in Europe, but before the United States became involved, two other societies were formed. The first, the World Court League, was organized at a conference held in Cleveland, Ohio, on May 13, 14, and 15, 1915. Its purpose was to concentrate popular attention in the United States on the necessity of establishing and maintaining an International Court of Justice. The League published a magazine, The World Court, to further this aim.

In June of the same year, 1915, the League to Enforce Peace was organized at Independence Hall in Philadelphia. This society formulated a program for the reorganization of

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1. Phelps, E.M., Selected Articles on a League of Nations, p.33.
 2. Ibid., p.33

international affairs after the war. This plan provided for a world court, a council and a congress of nations.

The success of this society was due in part to the readiness of the people of the United States to accept the new idea of internationalism, in part to the well-planned system for propaganda that the society employed and also to the fact that many influential people gave it their support. In less than two years this society received contributions amounting to \$136,000. Mr. Millis calls the society "more elegant, more cultivated and more intellectual" than the group of pacifists whose program will be described later. To quote him further, "it fitted much more easily into the established scheme of things, and carried no such threats to the social and economic order as lurked obscurely within the program of the evangelists. Ex-president Taft was to become one of its chief leaders; Mr. Elihu Root was to give it aid and comfort; Dr. Eliot of Harvard and Dr. Nicholas Murray Butler of Columbia, Mr. Hamilton Holt and Mr. Theodore Marburg were among its distinguished liberal supporters, and it was to even find room strangely enough, for pacifists of a more martial character. For this was the movement which crystallized about the rather different and more militant idea (already current before the outbreak of the war) of establishing peace by setting up a world league which would be prepared to fight for it." (1)

1. Millis, W., Road to War, p.104

Mr. Millis believed that many of the leaders of this society used the organization to spread propaganda designed to bring the United States into the war on the side of the allies. It does not seem fair to indict the large mass of well meaning people in such a society with motives that may have actuated a few persons who used their connection with a peace organization to accomplish such ends. This society continued its activities until after the peace had been arranged.

The number of such societies in this country indicates the interest of many thinking people in the problem of settling international disputes by peaceful means even before the World War. At that time it was thought that a body of international law to which all nations would subscribe was the most plausible solution. After the war had begun it was evident that such a body of international law was ineffectual if states could disregard it for selfish reasons. The trend thereafter was to find some means of compelling nations to abide by the law. These later groups therefore advocated the use of force although the earlier ones had been unwilling to resort to that.

Among the prominent persons in the United States who were of those advocating force in the cause of peace was Ex-president Theodore Roosevelt. He had been a very close follower of affairs during the Russo-Japanese war and was much interested in the peace that followed. He also had

had something to say during the Algeciras crisis and in its settlement. His experience in these affairs gave him the confidence to make the following prediction before the Nobel Prize Committee at Christiania, Norway in May 1910; "Finally it would be a master stroke if those great powers honestly bent on peace would form a League of Peace, not only to keep the peace among themselves, but to prevent, by force if necessary, its being broken by others. The supreme difficulty in connection with developing the peace work of The Hague arises from the lack of any executive power, of any police power to enforce the decrees of the court.....As things are now, such power to command peace throughout the world could best be assured by some combination of those great nations which sincerely desire peace and have no thought themselves of committing aggressions. The combination might at first be only to secure peace within certain definite limits and certain definite conditions; but the ruler or statesman who should bring about such a combination would have earned his place in history for all time and his title to the gratitude of all mankind." (1)

In 1915, after the war had begun, Roosevelt reiterated the same idea, "The one permanent move for obtaining peace

1. Fleming, D.F., The United States and the League of Nations, p.5.

which has yet been suggested with any reasonable chance of obtaining its object is by an agreement among the great powers, in which each would pledge itself, not only to abide by the decisions of a common tribunal but to back with force the decision of that common tribunal. The great civilized nations of the world do possess force, actual or immediately potential, should combine by solemn agreement in the great World League for the Peace of Righteousness." (1) These quotations indicate Mr. Roosevelt's attitude toward peace but he was to forget all this in the excitement of the war and in the frustrations of his ambition to figure heroically in action in France.

William Howard Taft was another person of importance who had been working for peace since before the war. During his term as president the value of his work in the cause of peace was enhanced by the dignity of his high office. In December, 1910, he addressed the American Society for the Judicial Settlement of International Disputes. He said that if we would negotiate a treaty with some great nation to abide by adjudication of an international arbitral court in every issue we would have gone a long way in demonstrating that two nations could establish between themselves a system of due process of law

1. Roosevelt, Theodore, America and the World War, p.80.

similar to that which exists between individuals under a government. He felt that this was not inconsistent with those who believed that the element of force was necessary.

The Ambassadors of England and France were both interested and treaties were drawn up following a pattern worked out by Mr. William Jennings Bryan. Their chief importance to history is that they distinguished in a formal manner between justiciable and non-justiciable disputes. They were placed before the Senate where they were amended to such an extent that their purpose as models was defeated. The President then refused to sign them.

Mr. Taft did not seem discouraged by the failure of these treaties, but continued after he left the White House to talk about the possibility of settling disputes amicably. In an address at the Citizens Peace Banquet in New York on December 30, 1911, he envisaged a League of Nations and said that his own treaties and even an international arbitral court were only steps toward a larger goal. (1) In an address before the International Peace Forum in the same city on January 4, 1913, he expressed his belief that interlocking treaties could be made the beginning of settling all international questions in a permanent, well-established court of arbitration whose powers would be enforced by

1. Phelps, E.M., Selected Articles on a League of Nations, p.37.

agreement of all nations, into which any nation might come as a complainant and bring any other nation as a defendant and could compel the defendant nation to answer the complaint under the rule of law established for international purposes. He spoke many times later on the subject of peace but what he said on those occasions will be considered when actual sources of the Covenant are investigated.

William Jennings Bryan, an avowed pacifist, was our Secretary of State from 1914 to 1916. He advocated real neutrality, and tried to retain a detached attitude toward the nations involved in the war. He resigned his office because he thought that the country was no longer neutral after the Second Lusitania note ^{had been} ~~was~~ sent to Germany. After his resignation he advocated peace from lecture platforms and from the pages of the Commoner, his own newspaper. At no time did he advocate a League of Nations.

Other persons of importance who were pacifists and who believed that the way to establish peace was simply to end war were Jane Addams, Robert LaFollette, Lilian Wald, David Starr Jordan and Henry Ford. The movement that these persons represented was supported by pro-Germans and the Irish and therefore was not highly thought of by many who were already pro-Ally.

Miss Addams organized the Women's Peace Party, Jan. 10, 1915, dedicated to the immediate discussion of reasonable peace terms. In the spring of that year women from all

over Europe and from the United States met in the Hague to further plans for peace. They advocated setting up at once a group of representatives of all nations to stop the war by negotiations. Their program was too idealistic for the nations at war to consider seriously.

Wilson's first interest in European affairs came during 1914. Colonel E.M. House of Texas had been of great help to Wilson in the campaign for the presidency but refused to accept any public office. He came to be, not only a good friend, but a trusted advisor. Colonel House had always been interested in politics and was also much interested in foreign affairs. It was in this field that he helped the President most. It is almost impossible to find an unbiased account of this period. Mr. Baker, Mr. Wilson's official biographer, is prejudiced for the President. Mr. Seymour who has edited the House Papers takes the other side, indicating in his work that House initiated policies which Wilson carried through. Mr. Millis in his recent book The Road to War describes Mr. House as an innocently disastrous advisor and shows that the President only acted wisely when he acted independently of House. Mr. Viereck in The Strangest Friendship in History indicates that he believes that all the good ideas originated with Mr. House, and that Mr. Wilson, because of his high regard for him, carried them out. To further complicate the problem the British diplomats are credited by Mr. Millis with superior

brains and strategy, the Germans and the Americans with great stupidity. Lord Grey he describes as a shrewd and clever diplomat--never to be outwitted. Mr. Viereck on the other hand accuses him of the very ordinary mistake of dilly-dallying.

Through the maze of the facts relating to the early work of ^{the} American administration it is difficult to find a definite policy. There may not have been one. The writer, however, in reviewing what appear to be the facts assumes that the American diplomats acted in good faith. These should have been men with no sympathies for any but the cause of the country that they represented. However, when one remembers the high feeling that developed in the United States during the war and the fate of those who tried to keep an unbiased point of view here, far removed from the conflict, it seems quite in keeping with human frailty that the diplomatic representatives abroad were sympathetic with the countries to which they had been assigned.

In December 1913 Mr. House became ambitious to do something to bring about an understanding among France, Germany, England and the United States both military and naval. He talked the idea over with Sir William Tyrell, an English diplomat, ^{who had been} sent to the United States to smooth out the Mexican situation. Sir William encouraged House and even suggested that he begin on Germany. The president

gave his casual consent to the proposition with the result that House sailed for Europe on May 16, 1914. The Germans, believing that Colonel House was a military man entertained him at a traditional military demonstration at Potsdam on June 1, 1914. House had a chance ^{there} to talk to the Kaiser who assured him that he intended to make no attempt to expand beyond the point needful to the defense of Germany. He declared himself the friend of England. House told him that it would not be difficult to harmonize the policies of England because British statesmen held the same view as he. He explained also that the United States was in a good position to act as go-between because they had no selfish interests. After a week in Paris during which House accomplished nothing he went back to London where he conferred with Walter Hines Page, our ambassador to the Court of St. James, and with Sir Edward Grey then Foreign Secretary. Grey was very sympathetic, but could promise nothing definite without consulting France and Russia. After a very pleasant time in England, House sailed for home on July 21. This first mission of Mr. House in England, while not initiated by the President, had his approval and, because he was advised by House in his foreign policy, it is important. He seems to have accomplished nothing more than to establish pleasant relations with English diplomats and with the Kaiser.

The Archduke Franz Ferdinand had been murdered at

Sarajevo before House sailed and after he reached home things happened quickly in Europe. On August 4 and 5 President Wilson sent telegraphic messages offering his good offices "in the interest of European peace, either now or at any other time." By the time this offer was received it was too late to do anything.

Our press was pro-British very early due in part to early conclusions based upon accident and false information and in part to the fact that the news from Europe came through Great Britain. Only the Hearst papers frowned upon the allied cause. The death of the first Mrs. Wilson on August 6 removed the President from business long enough to delay his appeal to the people for real neutrality too long for it to be of real value. The press had already taken sides and an efficient British propaganda organization took over where our enterprising editors left off. It was to prove a great advantage to Great Britain as the war progressed. Anyone dissenting from the popular point of view was at first thought stupid, later he was labeled pro-German and, after the United States entered the war, he was simply "yellow".

Mr. House sailed for Europe a second time in the interests of peace on January 30, 1915. House was to "put the reserves of the United States at the service of all the belligerents in whatever way the rules and practices of neutrality permit for the purpose of mitigating the distress

and frictions and dislocations in the time of war." (1) He was to use no intermediaries.

In the time which intervened between the first and second trips of Mr. House, business in the United States had greatly improved. Sales to the Allies had increased. Already the question of selling munitions had come before Congress. Mr. Hitchcock's bill forbidding this trade was lost. Great Britain was already dictating trade regulations. She was also using the American flag on her ships when travelling through the war zone. (2) The protests of the State department to the British were to no avail. Mr. Wilson had stated his opinion on neutrality on January 8. "I, for one, would prefer that our thoughts should not too often cross the ocean, but should center themselves upon the policies and duties of the United States." (3)

Mr. House had been in England a week visiting on the most friendly terms with his English friends. Sir Edward Grey with whom he discussed peace tried to discover definite terms to which the United States could agree and which would be acceptable to the Entente. Here House hedged and it was while this was happening that Gerard wired the United States State Department February 11 that he thought

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1. Viereck, G.S. The Strangest Friendship in History p. 78.
 2. The Lusitania used this strategy at the time Mr. House was a passenger.
 3. Millis, W. Road to War. p.127

that many prominent Germans would be interested in a proposition for peace if it came immediately. The president referred him to Colonel House. At the same time Arthur Zimmerman, Foreign Minister for Germany, sent House an invitation to come to Berlin intimating that peace could be discussed. The Colonel consulted Grey who, in turn, consulted Asquith, Prime Minister at that time. Both advised House to put off his visit until Germany was not in such a strong military position. House wired the president these reasons for accepting the Zimmerman invitation. President Wilson's reply indicates that his point of view is more rational than that of House. "If an impression were to be created in Berlin that you were to come only when the British government thought it an opportune time to come, you might be regarded when you reach there as their spokesman not mine." House replied to the president that the Germans were trying to use him and the time for doing anything slipped by.

At home the problem of the British control of American shipping and the German submarine warfare occupied the State Department. On February 5 Germany had proclaimed a war zone. It was because of this that the Lusitania had misused the American flag. On February 10 the State Department sent a note to Germany declaring that if an American vessel should be destroyed on the high seas as a result of the assumption that it might be an enemy ship misusing the flag it would

be considered as an "indefensible violation of neutral rights." (1) There was added, too, a phrase which said that we would hold Germany "to strict accountability." At the same time the state department protested the illegal use of our flag by the British.

On February 12, the British presented a reply to our note protesting their blockade which answered nothing and therefore little attention was paid to it. On March 1 the French and British presented notes prohibiting all further neutral trade to or from Germany. It was illegal, but was a reprisal against Germany's submarine warfare.

The State Department of the United States suggested on February 20 that Great Britain allow foodstuffs from United States to enter Germany and to be distributed to civilians through an American agency. They asked Germany to abandon the use of the submarine against merchant vessels except after "visit and search". The British refused and Germany would accept only on condition that raw materials be included with foodstuffs. This difficulty, however, sent House to Germany to work on peace including a new idea given him by Sir Edward Grey now that the British Blockade was in effective operation. The new idea was the inclusion in the permanent peace of the freedom of

1. Millis, W., Road to War p.136.

the seas to merchantmen in war time.

Mr. House went to Berlin by way of Paris. There his overtures for peace were met with contrite demands for territorial conquests. In Berlin he found that they wanted peace as much as the British and advised him that the surest way to obtain it would be to embargo munitions exports. House thought this nonsense and talked freedom of the seas, but he began to realize that everyone wanted victory and he left badly disappointed. After Mr. House was safely back in England, the sinking of the Lusitania brought the question of submarine warfare into the papers. The newspapers in the United States clamored for war. Mr. House decided that it would of course bring the United States in on the side of the allies and planned to sail for home. When the German ambassador called on Mr. Bryan to express his regrets Mr. Bryan assured him that he would throw his influence for peace, but that since public opinion was so inflamed Germany would need to make some motion of placation. President Wilson made his "too proud to fight" speech which satisfied the majority, but he really believed that if the United States were once embroiled in the war it would be impossible to think out a clear solution when the time came to make peace.

The first Lusitania note was sent to Germany on May 13, 1915. It had been discussed in cabinet meeting. It demanded a total surrender of Germany's position on

submarine warfare under threat of war. The German answer sent on May 29 played for time. A second note to Germany was drafted. Mr. Bryan refused to sign it because he felt that it was too strong to sign. This placed Wilson in ~~an~~ ^{the} embarrassing position of pressing a policy that was not a pacific one. The press helped the President by criticising Mr. Bryan as a traitor. The second Lusitania note did bring about a curb in submarine warfare on large liners. The orders, however, had been given secretly due to difficulties in the German government and the favorable publicity that this would have meant for Germany in the United States was lost.

During the summer of 1915, large munition orders were received by manufacturers in this country. Preparedness which had made headway through training camps became a political issue and Wilson indicated that he would support it. A large loan had been raised for the Allies. Count Bernstorff the German ambassador worked toward an understanding on the submarine question when the Arabic, a White Star Liner, was torpedoed and sunk without warning. Two American lives were lost and there was a great outcry from the press. Colonel House was ready to go to war, but the Germans then admitted openly the order that large passenger liners were not to be torpedoed without warning. Great Britain at the same time had unfortunately used the American flag on one of her "Q" boats.

One of the strangest diplomatic documents of this period was initiated by House. Millis calls it the "House-Grey Memorandum", Viereck the "Gentleman's Agreement". On October 17, 1915, House wrote to Sir Edward Grey that he thought it would be a "world-calamity" if the war reached a point where the Allies, with the aid of the United States could not bring about a peace such as the two of them had often discussed. He suggested that when the time was propitious he would consult the President and then come to England to confer with Grey. From there he would proceed to Germany, offer them a peace inferring that the Allies had rejected the proposal. Germany might accept, if not then it would be necessary for the United States to step in and help to force them to do so.

Millis reports that Wilson was startled by this naive proposal in international adventure and double-dealing." (1) Viereck says that the president was "electrified." (2) He approved the letter, but made what both of them considered at the time an unimportant verbal change, he inserted the word "probably" in the sentence "It would be necessary for us to join the Allies." Millis offers an excellent analysis of the two ways in which this remarkable letter could be interpreted.

1. Millis, W., Road to War, p.229.

2. Viereck, C.S., The Strangest Friendship in History, p.109

"Patently, the House scheme might work in either of two ways. It might bring a peace through forcing a conference, which would then necessarily be dominated by the more or less 'disinterested' influence of the United States into the war to help the Allies conquer one. President Wilson, it seems clear, thought of the scheme as directed primarily toward the former result. The possibility of an American participation in the war would be used merely as a lever with which to force the conference; naturally, this involved some risk of an actual participation, but the President must have regarded that as a remote and problematical contingency. Colonel House, on the other hand, had little real confidence in the conference idea. He appears to have regarded the scheme as primarily a means of putting the American people definitely upon the Allied battle line. The President, it is reasonable to suppose, inserted his 'probably' assuming that this was what House had really meant; House accepted the correction assuming that it was but a verbal safeguard which the President did not mean. Subsequent history leads one to the inference that both men were mistaken." (1)

Grey received at the same time a vigorous protest from Mr. Lansing with regard to the blockade. Three weeks

1. Millis, W., Road to War, p.231.

later Grey wired House to inquire if his letter was to be taken in conjunction with his proposal, made some weeks earlier, for a league of nations. Wilson authorized House to reply in the affirmative. (1)

No wonder that Grey was bewildered. He waited until the end of November and wrote a lukewarm reply with which House was disappointed. Grey wrote that he was so certain that the Allies would reject the scheme that he had not even mentioned it to them. They could not commit themselves without knowing that the "United States was prepared to intervene and make good if they accepted." (2) The word "probably" had had a deadly effect. The allies could not have agreed to anything but a definite guarantee by the United States to fight Germany in order to have agreed to a peace conference at this time. Perhaps Grey knew that his attitude of indifference would encourage a more definite offer.

Colonel House and the President discussed Grey's reply. Wilson felt that they should let the Allies know what they were thinking. It was decided that the Colonel's visit should be represented as a personal survey to enlighten the Administration with regard to events in Europe. The

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1. Viereck, G.S., Strangest Friendship in History, p.110.
 2. Millis, W., Road to War, p.248.

State Department announced that it was not a "peace mission." At this inopportune time what did the Germans do but request Colonel House to go directly to Berlin to discuss peace. He was not to be misled, however. He suspected the Germans of trying to put the United States in an unfavorable position with the Allies. He sailed for England December 28. He was to work for the future peace of the world and its maintenance, military and naval disarmament and a league of nations to suppress aggression and ^{to} maintain the freedom of the seas. (1)

Colonel House arrived in Falmouth, England on Jan. 5, 1916. He went to London and immediately began conversations with the British statesmen. He intended first to explain America's cooperation in a world organization for bringing about world peace. He intended to stress general disarmament and freedom of the seas. Colonel House believed that the United States would be drawn into the war, he wanted it to be on the side of the Allies and he wanted it to be on a clear cut issue which would enable this country to stand for high principles at the peace conference.

During the two weeks that House spent in England he renewed personal contacts which enabled him to explain the position of this country. The really important conferences

1. Millis, W., Road to War, p.250.

of this period were with Lloyd George, Grey and Balfour with regard to the end of the war and the role of coöperation which the United States might play if Great Britain agreed to intervention.

On January 20, House left for Germany by way of Paris and Geneva. In Berlin, he talked first with Gerard, with the German foreign minister, the chancellor and others. He soon discovered that the rulers of Germany were in no mood to talk of peace terms to which the Allies would agree. He felt that all he could do in this case was to ask them to restrain their methods of warfare so as to make a sincere reconciliation possible. .

In Geneva, House conferred with our Ambassador to Austria-Hungary. (1) Page (2) sent him news from Rome. Both of these diplomats felt that the war was approaching a stalemate and that the time was ripe for the House proposition.

In Paris House talked with Briand, the Premier, Jules Cambon, who was directing the French Foreign office and with many others. These apparently trivial interviews were really important because popular opinion in France was against the President of the United States and House hoped by this means to promote more friendly feeling. He told the French that

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1. Penfield
 2. Thomas Nelson Page

if they had some decisive victories during the summer the United States would not intervene but in case of reverses or a deadlock, the United States would intervene. Only Wilson, House and Lansing knew of this agreement.

After a brief interview with the King of Belgium, Colonel House returned to London on February 9, and there he again talked with government heads, George, Reading, Asquith, Grey, and Balfour with regard to the proposals under which the United States would come into the war.

Thus we see that even before the war there was an effort on the part of certain persons in the United States to find some way of making the peaceful settlement of international disputes possible. A court had been set up at the Hague, (1) cases had been brought before it, they had been heard and the court's decisions had been accepted by those nations involved in each dispute. The Peace Congresses served to increase the power of the court since they gave it the popular sanction that such a court requires. With the outbreak of the war it was evident that there must be some means of compelling nations to bring their disputes before the court. Roosevelt had recognized this in the beginning but the emergency of the war brought the realization to the masses. Those in power hoped that the United States might bring the warring parties together and help

1. This court was the result of the Hague Conference of 1907.

them find a solution to their difficulties. As the war progressed this hope did not materialize. Instead the United States was being inevitably drawn into the conflict. It was then that the advocates of a League for peace realized that such an association might be made one of the main issues of the peace settlement.

President Wilson first revealed the trend of his thought with regard to the basis upon which a permanent peace could be maintained in an address before the American Bar Association on October 20, 1914. He said then that peace could be rebuilt only upon the ancient and accepted principles of international law, only upon those things which remind nations of their duties to mankind and to humanity. (1) At about the same time, the fall of 1914, the President said in a conversation with Dr. Stockton Axon, "After the war all nations must be absorbed into some great association of nations whereby all shall guarantee the integrity of each so that any one nation violating the agreement between all of them shall bring punishment on itself automatically." (2) Although the President made this remark in private to a person who was really a member of his family he made no public mention of his conviction until the campaign of 1916. In Des Moines, Iowa, on February 1 of that

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1. Baker, R.S., The Public Papers of Woodrow Wilson. The New Democracy, vol.I, p.379.
 2. Fleming, D.F., The United States and the League of Nations, p. 7, quoted from The New York Times of Feb. 4. 1924.

year he said, "I pray God that if this contest had no other result, it will at least have the result of creating an international tribune and producing some sort of joint guarantee of peace on the part of the great nations of the world."

(1)

Colonel House says that the President first definitely and publicly committed himself to the idea of a League of Nations when he spoke before the League to Enforce Peace on May 27, 1916. House was much interested in this particular address and did much to advise the President as to its contents. House had corresponded with Sir Edward Grey with regard to his ideas for a League that would be acceptable to the English people. The speech was drafted with all this in mind. (2) It sounded the keynote for American diplomatic policy for the next four years. With it Wilson gave up the policy of isolation and cast his lot with that of Europe. His exact words were, "The principle of public right must henceforth take precedence over the individual interest of particular nations, and that the nations of the whole bind themselves together to see that right prevails as against any sort of selfish aggression; that henceforth alliance must not be set up against alliance, understanding against

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1. Fleming, D.F., The United States and the League of Nations, p.7, quoted from The New York Times of February 4, 1924.
 2. Seymour, C., The Intimate Papers of Colonel House vol. IV, p.3.

understanding, but there must be a common agreement for a common object and the common object must be the invincible rights of peoples and mankind." (1) This speech not only informed the United States that the President would stand for a League of Nations, but it also should have been a definite clue to Europe. Both England and France, however, were too preoccupied to notice much more than an unfortunate phrase that Wilson used -- that the United States was not concerned with the causes or motives of the war. From this time on the President did not make an important public address without mentioning an association of nations. (2) The one most widely known is the declaration of the famous fourteen points which he set forth in a speech before the joint session of Congress, January 8, 1918. These were, he believed, all necessary to a lasting peace and were ultimately accepted as the basis of the final peace settlement. (3)

Over two years elapsed between Mr. Wilson's first pronouncement for a League of Nations and the first draft that he wrote of its constitution. During 1917 he was too much occupied with the war to devote any time to work on

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1. Baker, R.S., The Public Papers of Woodrow Wilson. The New Democracy, vol. I, p.195.
 2. Seymour, C., The Intimate Papers of Colonel House, vol. IV, P.3.
 3. Encyclopedia Brittanica, vol. XXIII, p.635.

definite plans. He did, however, ask Colonel House to collect and analyze the opinions of interested persons at home and abroad. Sir William Wiseman, a trusted friend of House, collected such information for him in England and on the Continent. During the months of January and February of 1918 the Colonel consulted with William Howard Taft, Elihu Root and Nicholas Murray Butler. He wrote to President Lowell of Harvard in an attempt to find out how the ideas of the different groups in America might be brought together. (1) When House approached the President with regard to a definite program he replied that such a plan could not be made out of whole cloth, but that it would have to be allowed to grow. (2)

While sentiment for peace was developing in the United States, all of the important countries of Europe, especially those involved in the war, were fostering peace movements of various kinds. Those in England are noted here because the results of developments there were used later in drafting the final constitution of the League. A League of Nations Society was flourishing there. A League had been included as one of the war aims recognized by the Inter-allied Labour and Socialistic Conference of February 1918.

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1. Seymour, C., The Intimate Papers of Colonel House, vol. IV, p.4.
 2. Ibid, vol. IV, p.16.

In March the first official constitution for a League to be drawn up under government direction was presented to Lord Balfour, then Foreign Secretary, by the Committee on the League of Nations of which the Right Honorable Sir Walter G.F. Phillimore was chairman. The other members of the commission were English barristers. The Report of this commission is commonly called the Phillimore Report by those writing on the League of Nations. (1) President Wilson received a copy of this report as did all heads of governments of countries interested in the peace. The Phillimore Report provided for arbitration of disputes between nations, for treatment of a nation that refused to arbitrate and for a basis of relationships between members and non-members of such a group of nations.

House reports that Woodrow Wilson considered this proposal "insufficient in many respects", (2) turned it over to him and asked him to draw up a new draft of a "covenant". Of the origin of the use of the word "covenant" to designate the constitution of the League Ray Stannard Baker says that it was Wilson's own name for the document but House

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1. Members of the committee submitting the Phillimore Report,
 Walter G.F. Phillimore, chairman
 A.F. Pollard
 Julian Corbett
 J. Holland Rose
 Eyre A. Crowe
 W. Tyrell
 C.J.B. Hunt
 A.R. Kennedy, secretary
 2. Baker, R.S., Woodrow Wilson and World Settlement, vol. I,
 p.218.

maintains that the President used the word "constitution" in his correspondence with him. (1)

Colonel House set about writing the draft desired by the President, trying to embody not only Mr. Wilson's ideas and his own, but also those of the many persons who were interested in the League of Nations idea becoming a reality. He says that he did not use the Phillimore Report when he wrote his draft because he did not wish to become entangled with their plan. When he had written out his own ideas he then incorporated several of their articles as a whole. David Hunter Miller was consulted by House while the draft was being written but Miller saw nothing of the draft nor is there any record of the suggestions that he might have made. (2)

The House Draft consisted of twenty-three articles. It contained a more detailed plan for organization than the Phillimore Report. It provided for a permanent secretariat and included a world court that House had previously opposed. In making provision for punishing a state that had violated the agreements the use of force was mentioned, but blockade was made the final recourse. It contained provisions for reduction of armaments, nationalization of the manufacture of war materials, full publicity in military affairs,

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1. Seymour, C., The Intimate Papers of Colonel House, vol, IV, p.22.
 2. Ibid., vol. IV, p.24.

abandonment of espionage and, most important of all, a direct guarantee of territorial integrity and political independence of members of the League. (1)

President Wilson received this draft and a letter of explanation from Colonel House on July 16, 1918. He immediately set to work to recast it to suit his own ideas. He rearranged the subject matter into thirteen articles instead of the original twenty-three. There seems to have been no reason for his having done so except that he often used the number thirteen and that it had applied to so many facts of his life. (2)

Wilson wrote his own preamble. It is a good paragraph for connecting the work of the peace organizations of the time with the new ideas of diplomacy. It was changed only slightly in wording in his succeeding drafts. (3)

Article I of Wilson's First Draft provided for delegates to meetings of the League and for a presiding officer of the assembly of delegates. It suggested a temporary place of meeting. This was with some changes of wording, the same as Article 5 of the Phillimore Report and came to the President by way of Article 6 of the House Draft. House and Wilson described the delegates more definitely in that they specified "ambassadors and ministers" and

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1. Baker, R.S., Woodrow Wilson and World Settlement, vol.I, p.219.
 2. Ibid, vol.I, p.223.
 3. Miller, D.H., Drafting the Covenant, vol.I, p.13.

"foreign minister" where the Phillimore Report used "diplomatic representatives". The latter report provided that the president or sovereign of the country where the conference convened should be president of the meeting. Neither House nor Wilson mentioned this.

Article II provided that the Body of Delegates should regulate their own procedure and should appoint committees for investigation of anything lying within their field of action. It provided that a majority vote should decide any action covered by the article. This also came from the Phillimore Report through Colonel House, who added a provision for a permanent secretariat to act as a ministerial agency, the expense of operation to be borne by the contracting powers. Wilson included the House addition and changed the last phrase to read "expense of the maintenance of the Secretariat shall be borne as they prescribe."

Article III of the President's Draft became the famous Article X of the final draft of the Covenant. It provided for a direct guarantee ^{of} ~~to~~ political independence and territorial integrity and that any future changes would be made only if in accordance with the principle of self-determination and with the consent of three-fourths of the delegates. House wrote this as Article 20 of his draft. He included it because he knew that Wilson felt very strongly on the matter. He added qualifying phrases to keep it from being too

inflexible when it would be put into use. (1)

Article IV contained the paragraph which referred to reduction of armaments, to the manufacture of munitions, implements of war, and to the publicity of armament and naval programs. This was House's Article 21. Wilson made some changes in wording and one in meaning. Where House recommended reduction of armaments to "the lowest point consistent with domestic safety", Wilson added "and the enforcement by common action of international obligations". House was not in favor of using force to carry out the League's wishes or demands.

Article V outlined a definite method for choosing arbitrators in case of disputes which could be settled through the usual diplomatic channels. It also indicated what should be done when arbitrators could not make a decision. This article was taken directly from House with some expansion for the sake of clarity.

Article VI provided that any state refusing to submit a dispute to arbitration or to abide by decisions rendered "shall thereupon lose and be deprived of all rights of commerce and intercourse with any of the contracting powers." The House Draft, Article 14, specified the international court as the body which would render the decision.

1. Baker, R.S., Woodrow Wilson and World Settlement, vol.I, p.222.
Seymour, C., The Intimate Papers of Colonel House, vol.IV, p.35.

Article VII of the President's draft was Article 2 of the Phillimore Report which said in such a case (that of any power beginning hostilities or declaring war before submitting the dispute to arbitration) the member powers "will come to the assistance of" the power being attacked. House planned to use "blockade and closing frontiers to commerce or intercourse with the world" against the offending state. Wilson followed the spirit of the Phillimore Report, used the wording of House, but intended to "use any force that may be necessary" to assist the offended state.

Article VIII was made up of Articles 5, 7 and 8 of the House Draft. It declared that any war or threat of war whether or not it affected member nations was of concern to the League, and that the League would meet "in the interests of peace whenever it was advisable or at such other times and upon such other occasions as they may from time to time determine." Wilson added to these provisions the right of the powers to take any action that they deemed advisable to safeguard the peace of nations. The Phillimore Report had made no provisions for the League in peace times.

Article IX of Wilson's First Draft was Article 13 in the Phillimore Report and Article 16 in the House Draft. It provided for the procedure necessary to settle a dispute between a member power and one not a member. Wilson expanded this in order to clarify its meaning but added no new idea.

Article X included the provision for blockade against a power beginning hostilities before a decision had been rendered by the delegates, but where the Phillimore Report and the House Draft said "may" come to the assistance of the power being attacked, the Wilson Draft read, "The Contracting Powers shall also unite in coming to the assistance of the Contracting Power against which hostile action has been taken, combining their armed forces in its behalf." Much more will be said of this article later.

Article XI directed members of the League as to action when the dispute in question was between non-members of the League. Wilson followed the other two plans in this, Article 16 of the Phillimore Report and Article 19 of the House Draft. Under such conditions the disputing powers might offer to submit their differences to the League. If they did so they would be treated as members, if not, the delegates would consider the matter and make recommendations as to ways to keep the peace.

Article XII provided for states not signatory members to become so later. House took his Article 22 verbatim from the Phillimore Report, Article 17. Wilson changed the wording somewhat because both of the other plans seemed to point to Germany.

Article XIII came directly from the other drafts with very little rearranging. It provided that the new treaty should take precedence over former treaties and that future

treaties could not be made which would be inconsistent with the Covenant. (1)

President Wilson had finished his first draft of the Covenant by August 15, 1918 for on that date he was in Magnolia, Massachusetts, to discuss it with House. (2) He made no changes as a result of this consultation until after he had arrived in Paris for the Peace Conference. (3)

Wilson has been accused of going to Paris without any definite plan for a League of Nations. This report grew out of the fact that he had refused to have his draft published. There appear to be several reasons for his refusal. He had asked the British to withhold the Phillimore Report and felt that it would be discourteous to them to publish his before they had had an opportunity to publish theirs. It would have given Senator Lodge and his group of "Irresoncilables" definite material from which to build an opposition. Interesting information with regard to the activities of this group is to be found in the reminiscences of Alice Roosevelt Longworth. She says that after the election "the source of continuous excitement was Mr. Wilson's trip to Paris to the Peace Conference. We talked of very little else. We were well aware that the President was going to Paris with the major purpose of bringing back with him a League of Nations,

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1. Phillimore Report, Article 18, A. and B. and House Draft, Article 23, A. and B.
 2. Seymour, C., The Intimate Papers of Colonel House, vol.IV, p. 48.
 3. Baker, R.S., Woodrow Wilson and World Settlement, vol.I, p.224.

a league which would pledge us in advance regardless of our interests, to use our armed and economic forces when questions arose which were of no possible concern to us. It was difficult if not impossible, to find out what was really going on. The plans of the conference were kept entirely in the hands of Mr. Wilson and his chosen advisors." (1) This attitude on the part of his political opponents might well make the President cautious.

Wilson's reticence with regard to his plan for a League may have been due in part to still another factor, a theory to be found in his own political philosophy. In his book, Constitutional Government in the United States, ~~he~~ he described the leadership of the President. In the chapter entitled, "The President of the United States", he wrote, "He cannot escape being the leader of his party except by incapability and lack of force, because he is at once the choice of the party and the nation. The nation as a whole has chosen him and is conscious that it has no other political spokesman.....Let him once win the admiration and confidence of the country, and no other single force can withstand him, no combination of forces will easily overpower him. He is the representative of no constituency, but of the whole people. When he speaks in his true character, he speaks for no special interest. If he rightly interpret

1. Longworth, A.R., Crowded Hours, p.276.

the national thought and boldly insist upon it, he is irresistible.....A president whom it (the country) trusts can not only lead it, but form it to his own views." (1)

Wilson's silence concerning his plans for the League before the peace conference convened and his independence of action afterward correspond too accurately to this description of the President to have been coincidence. His defeat at the polls in November indicated to his enemies the defeat of his policy. To the President it meant only that his party no longer had control of Congress. He was still the president and therefore the spokesman of the people and the leader of foreign affairs.

Wilson arrived in Brest on December 13, 1918, and on the following day he was in Paris. Much of his time on those first days was spent at formal receptions, luncheons and entertainments. He had hoped that the Conference would begin its work soon after his arrival and was impatient with the delay. Lloyd George, however, refused to appoint persons to represent England until after elections there. Clemenceau wanted to sound out Parliament as to its sentiment before he formulated his policies. In the meantime Wilson visited England and Italy. The common people everywhere received him with acclaim. They had great faith in him and in his

1. Wilson, W.W., Constitutional Government in the United States, pp.77-8.

ideals. The politicians of Europe began to realize how great his power was to be. There was much criticism of the President for his intention to represent the United States personally at the Peace Conference. Even his friends felt that it was a doubtful move. But after they heard of the warm reception given him by the common people they changed their minds. They began to see that if things could be put through before the wave of popularity subsided the President's trip would be gloriously successful.

Before Mr. Wilson wrote his Second Draft for the Covenant of the League of Nations, he had seen A Practical Suggestion, written by General Jan Christian Smuts, and a draft for a league prepared by Lord Robert Cecil. Both of these were based upon the Phillimore Report. (1) Mr. Smuts' Plan made a favorable impression on the President as his own Second Draft indicates. They were the only two drafts which influenced Wilson in the rewriting of his First Draft, although he also had the suggestions of Mr. Lansing at hand. (2) His Second Draft is called by some writers his "First Paris Draft", but this is confusing since it has led readers, some of them otherwise well-informed, to think that it was the President's First Draft of the Covenant. Therefore in this paper the drafts written by Wilson will be numbered

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1. Baker, R.S., Woodrow Wilson and World Settlement, vol.I, p.224.
 2. Ibid., p.228. Baker says here that Lansing's papers appear to have been filed by the President without having been used.

chronologically with no qualifying word indicating where they were written. In noting changes made in the revision only enough of the preceding draft will be recalled to make the meaning clear. When no mention is made of an article it must be assumed that no change worth noting was made.

In the Second Draft three words were changed in the Preamble. This did not alter the meaning.

The first part of Article I remained as before. It indicated who would represent the nations in the League, who should preside, and where temporary meetings might be held. The addition of a paragraph giving the powers the right to assist its representative by "any conference, counsel or advice that may seem best to it and to substitute a special representative for its regular representative accredited to H", may have come from the Phillimore Report, Article V, paragraph 2, which said that the Allied States had the right to "send other representatives than those regularly provided", but that "the Conference shall be under no obligation to await their arrival". It could also have been Wilson's idea.

Article II in the Second Draft was greatly expanded from General Smuts' A Practical Suggestion. From it Wilson borrowed the idea of a permanent Council to act as an executive committee of the League. Members of the Council were to be representatives of the great powers with others drawn in annual rotation from two panels, namely a group of near-great powers and one of minor states. Three negative

votes in the Council would act as a veto. (1) A new paragraph, also from Smuts, enlarged upon the duties of the secretariat. (2)

To Article IV, which provided for the reduction of armaments, manufacture of ~~munitions~~, publicity of national armaments, military and naval programs, were added two new paragraphs. The most important of these abolished conscription and all other forms of compulsory military service. Forces for defense were to consist of militia of volunteers, numbers and methods of training to be fixed after expert inquiry by agreements with regard to armaments. The second additional paragraph provided for methods of deciding the amount of armaments allowed to each power. These two paragraphs came from Articles 15 and 16 of the Smuts Plan. (3)

Article V of Wilson's Second Draft contained additions from Articles 18 and 21 of General Smuts' Plan. Since he had taken over the idea of a council, he had also to take over the provision which conformed to the new idea, that of submitting matters for dispute to inquiry by the Council. The decision of the Council was not to be a binding verdict. This was new, as Wilson had previously advocated compulsory arbitration.

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1. Miller, D.H., Drafting the Covenant, vol.II, p.45, Articles 10 to 13.
 2. Ibid., vol.II, p.45, Article 13.
 3. Ibid., vol.II, p.72.

Article VI was practically the same as Article 19 of Smuts' Plan, which was substantially Article 2 of the Phillimore Plan. In Wilson's First Draft he had provided for boycott against any power refusing to arbitrate a dispute. In the Second Draft he took over the idea of an ipso facto war with covenant-breaking states. The penalty for the law-breaking state, perpetual disarmament was a new provision from the Smuts Plan.

The only new material in Article VIII was a paragraph which was a rewording of Article 16 of the Phillimore Report. It referred to the right of any delegate of the League to call the attention of that body to circumstances anywhere which threatened war. House gives Wilson credit for this article because of a statement that he made when talking to a group on board the "George Washington". He said then that he hoped that the future international community would permit any nation to "butt in" when trouble threatened. (1)

There were two additions to Article XII which dealt with powers that were to join the League later. These were limited to those "whose government is based upon the principle of popular self-government". The admission of powers so qualified was to depend upon the affirmative votes of two-thirds of the delegates.

1. Seymour, C., The Intimate Papers of Colonel House, vol. IV, p.268.

It is interesting to notice that again Woodrow Wilson kept the number of his articles to thirteen in his Second Draft and put the additional material into supplementary agreements. In the first of these agreements he followed his own fifth point in his program of fourteen points. Smuts, to whom he is indebted for the plan of the mandates, did not include the German Colonies in his plan for mandatories but Wilson did. In the first agreement he definitely gives such territory into the trusteeship of the League. (1)

Agreement II was taken almost word for word from Articles 4 and 5 of the Smuts' Plan. It stated that any authority, control or administration necessary for the peoples of a mandate should be vested in the League and that it might designate or appoint an agent wherever possible.

Agreement III is the same as Articles 6, 7, and 8 of Smuts' Plan. Each mandate was to be governed by a special act with the League reserving complete power of supervision and with the people of the territory having the right of appeal to the League. The policy of the open door was to be maintained for all members of the League. Military and naval forces of the territory would conform to definite standards of the League. The third paragraph of this agreement provided substitution of one mandate for another, an idea of the President.

1. Article 3 of Smuts' Plan expanded.

Agreement IV followed Articles 8 and 9 of Smuts' Plan. Wilson here named Austria-Hungary and Turkey as empires from which new states would evolve. They might be admitted to membership in the League if they conformed to armaments requirements. The League reserved the right to watch over relations inter se of all new independent states created out of empires with a view to maintaining peace.

Agreement V was a paragraph with regard to humane working conditions for labor and the establishment and maintenance of fair hours. Wilson added this because of the increasing interest of Labor in world affairs. (1) He realized that this provision was irrelevant to the other matters to be discussed, but hoped nevertheless to "do something about it." (2)

Agreement VI was a paragraph guaranteeing equality of treatment for racial or national minorities within the new states. This addition was probably due in some measure to propaganda by the Jews.

It will be seen from the foregoing detailed account of changes in the President's First Draft that he had developed a much clearer idea of what he wanted the League to be. He had dropped compulsory arbitration, adopted the council idea and the plan for mandates for backward territories,

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1. Baker, R.S., Woodrow Wilson and World Settlement, vol.I, p. 227.
 2. Seymour, C., The Intimate Papers of Colonel House, vol.IV, p.284.

taken over the sanction of an ipso facto war and added a clause concerning labor and one for the welfare of racial and religious minorities.

Changes in wording no doubt account for the impression that the new draft was more clear and more definite than the first. Wilson had had time to think matters over, to talk of his plans with House, and to study the Phillimore Report and General Smut's Practical Suggestion before he wrote his Second Draft.

The Council idea was not a new one. It was old enough to have a name, "diplomacy By conference". It was a much more flexible method for conducting business than was possible in a large assembly. The President had discussed with House the possibility of a council as a solution to the problem of having the great powers in a perpetual minority in the League. David Hunter Miller had thought of a council and had suggested the idea to House November 30, 1918, but Wilson did not ask Miller for suggestions until after this Second Draft had been written. Although it had been suggested and discussed earlier it is evident that at this time it was borrowed from Smuts' Plan with very little change. (1)

1. Baker, R.S., Woodrow Wilson and World Settlement, vol.I, p.225, and Seymour, C., The Intimate Papers of Colonel House, vol.IV, p.286.

General Smuts in explaining his ideas for the mandates referred to President Wilson's fifth point of the "celebrated fourteen". (1) In this Wilson had insisted that the rights of the governed in the territories whose fates were to be decided should have equal weight with those of the governors. Smuts had ruled out the German colonies because he thought that to give Alsace-Lorraine to France would merely return what belonged to her. He believed the German colonies of Africa were inhabited by people who were too backward to know anything about their own interests. Wilson included both of these territories under his plan for mandates. He had probably seen references to such projects in a report given him by House. This report had been prepared by George Louis Beer in a memorandum on Mesopotamia. Although both Wilson and House had had this information and although the former had said on the "George Washington" that the German colonies should be declared the property of the League of Nations and should be administered by small nations, the resources of each colony being available to all members of the League", neither of them included any provision of this type in his first draft. It was only after the President had seen Smuts' Draft that he had included it in his own.

1. Baker, R.S., Woodrow Wilson and World Settlement, vol.II, p.28.

House gives Wilson (1) credit for the clause concerning the rights of nations to interfere and to report on others to prevent war, but it is also reasonable to assume that it may have come from the Phillimore Report. The agreement with regard to labor he had talked over with House, but the one on racial and religious equality must have been his own since no one else wished to claim it.

President Wilson finished this Second Draft on January 8, 1918, and discussed it with House that night at dinner. The Colonel thought it a great improvement over the First Draft. The Second Draft was printed and copies of it were given to the American Commissioners and to certain British leaders on January 10. It gave everyone, for the first time, an accurate idea of what the President wanted in the League. House gave Miller his copy of the draft on January 11 and asked him on behalf of the President to make comments on it. Miller complied and prepared an elaborate paper. (2) Wilson had asked House to give a copy of his Second Draft to Lord Robert Cecil. He hoped that it would result in an Anglo-American draft. House became ill so the matter was placed in Miller's hands. Miller does not say in his report of events whether or not his own suggestions were formulated

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1. Seymour, C., The Intimate Papers of Colonel House, vol. IV, p.286.
 2. Miller, D.H., Drafting the Covenant, vol.I, p.45.

before or after consulting the British. The President received suggestions from a number of others but Baker says that he used only those of General Tasker H. Bliss and David Hunter Miller. (1) This is true only in part because a study of the new material in the Third Draft indicates that he must have also referred to Mr. Lansing's suggestions.

The first changes in the President's Third Draft were the result of the recommendations of General Bliss. Following his suggestion the words "and Orderly Government" in the preamble were omitted because some nations might think that the League would interfere with internal disorders. Wilson also accepted his advice as to the use of the word "covenant" throughout the whole document. In Article III he ~~changed~~^{advising} adding "as against external aggression" to the guarantee for "political independence and territorial integrity". For Article IV he thought it would be better to have the Council act to formulate reduction of armaments. If such action was taken by the large body of delegates, a small power might veto such an important matter. (2) In Article V he advised a limit of one year on the Council when deciding a dispute. (3)

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1. Baker, R.S., Woodrow Wilson and the World War, vol.I, p.229
 2. Miller, D.H., Drafting the Covenant, Vol.II, p.94.
 3. Ibid., vol.II, p.95.

In Article VI the President changed his wording so that the article would comply with United States law. Instead of declaring that any state breaking the covenants (under Article V) "shall thereby ipso facto become at war with all members of the League", it read in the new draft "it shall thereby ipso facto be deemed to have committed an act of war against all members of the League". This change may have been made because of Miller's views or because of Lansing's ideas. (1)

The next change was made in the third supplementary agreement. Two paragraphs were added. The first, conforming to the suggestion of General Bliss, provided for the expense of taking over a mandate. If the expenses could not be borne by the people of the country, assessments were to be levied on members of the League in proportion to their national budgets. The second paragraph described just what a mandatory would need to accomplish, "to build up in as short a time as possible out of the people or territory under its guardianship a political unit which can take charge of its own affairs, determine its own connections, and choose its own policies." (2)

In Agreement IV reference to the Empires of Austria-Hungary and Turkey was omitted, perhaps at Mr. Miller's

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1. Miller, D.H., Drafting the Covenant, vol.I, p.49.
 2. Ibid., vol.II, p.104.

suggestion that the League of Nations was not to be a successor to the Empires.

Agreement VI which recommended racial and religious equality for minorities was amended to include a clause that the Executive Council should exact a promise to that effect from all states seeking admission to the League.

The Freedom of Religions Agreement, VII, probably was the President's idea based upon the well-known American tradition guaranteeing freedom of religious belief. It could not have been included to please the Jews, because the preceding agreement covered their case. (1)

Agreement VIII may have been suggested by Lansing or Miller. The former had suggested that international law be codified for peace time and war time on land and sea and in the air. (2) Miller's idea was "that interference with a vessel on the high seas or with aircraft not sanctioned by law of nations" would be an impairment of political independence. (3) Wilson must have followed Miller here rather than Lansing because Lansing emphasized formulating the code, while Miller assumes that it has already been done as does Wilson. (4)

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1. Baker, R.S., Woodrow Wilson and World Settlement, vol.I, p.230.
 2. Lansing, R., The Peace Negotiations, p.64.
 3. Miller, D.H., Drafting the Covenant, vol.II, p.92.
 4. Baker, R.S., Woodrow Wilson and World Settlement, vol.I, pp.230-1.

Agreement IX, which provides for publishing treaties made between countries was suggested by Lansing in Article V, paragraph I of his International Agreements which he had handed to the President on January 7 at a conference between Wilson and the American Commissioner. (1) It was also suggested by Miller. (2)

Agreement X providing that there would be no discrimination in trade against any power which was a member of the League was probably borrowed from Mr. Lansing. (3)

The President completed his Third Draft on January 20. Cecil completed a British draft at the same time and sent a copy around to United States headquarters. Wilson had tried in this draft to reconcile all views, but he realized after reading the British Draft that there were still many differences which would have to be settled in personal conferences. At this time the President was so busy in the Council of Ten that it was impossible for him to write another draft. David Hunter Miller, legal advisor for the United States, and C.J.B. Hurst who held a similar position with Great Britain, were commissioned to make a composite draft. This draft, usually called the Hurst-Miller Draft, was used for discussion when the Commission to draft the

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1. Lansing, R., The Peace Negotiations, p. 92.
 2. Miller, D.H., Drafting the Covenant, vol.II, p.92
 3. Lansing, R., The Peace Negotiations, p.66.

Covenant for the League of Nations met. (1)

President Wilson went over the Hurst-Miller Draft on the evening of February 2. He did not like it. He said that it had no warmth or color in it. (2) Some of the items that he had considered important had been left out. (3) He asked House and Miller to take his Third Draft and rewrite it, taking over the clauses on religious equality, publication of future treaties and prevention of commercial discrimination among members of the League from the Hurst-Miller Draft. Mr. Miller spent that night and the next day in carrying out the President's wishes. (4) The printed copies were in the President's hands on the morning of February 3. His note to Mr. Miller states, "I hope with all my heart that it will serve as the basis of the work of the Drafting Commission."

This Fourth Draft, prepared by House and Miller for the President had very few changes. In the preamble a new phrase modifying "In order to secure international peace and security" and reading "by the acceptance of obligations not to resort to the use of armed force" was included. Miller had written this into the Hurst-Miller Draft

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1. Baker, R.S., Woodrow Wilson and World Settlement, vol.I, p.232.
 2. Seymour, C., The Intimate Papers of Colonel House, vol.IV, p.302.
 3. Miller, D.H., Drafting the Covenant, vol.I, p.72.
 4. Seymour, C., The Intimate Papers of Colonel House, vol.IV, p.301.

because he knew that House wanted some statement against war in the preamble. (1) They included it in Wilson's Fourth Draft, too.

In Article III the parts dealing with territorial adjustments were omitted, due perhaps to the influence of the British drafts. In Article IV they omitted the clause dealing with abolition of compulsory military duty and substituted a provision for inquiring into the feasibility of abolishing it. This change was in compliance with Italian opinion and had been agreed to by Wilson at a meeting with Orlando on January 30. Article V provided that either party to a dispute or the Executive Council might bring the dispute before the Executive Council. The time clause allowing the Council twelve months to render a decision was omitted.

The more important changes were those involving the provisions for mandates. Differences were greatest on this subject between the United States and Great Britain. They were settled at meetings between representatives of the two powers and at meetings of the Council of Ten. (2)

In the President's Second Draft he had referred only to "peoples and territories which formerly belonged to Austria-Hungary and to Turkey and in respect of the colonies

1. Miller, D.H., Drafting the Covenant, vol.I, p.68.
2. Ibid., vol.I, p.105.

formerly under the dominion of the German Empire". He retained this form in his Third Draft which was finished on January 20. The days that followed were filled with conferences which explain the changes made in the Fourth Draft. Temperley says that the stand of Australia and South Africa on this question was the rock on which the whole project very nearly split. (1) Although everyone agreed that Germany's colonies should not be returned to her they disagreed violently as to the distribution of them. The British Colonial Premiers, Hughes of Australia and Massey of New Zealand, insisted that the colonies south of the Equator were necessary to them for protection. General Smuts who had enunciated the mandates principle argued for direct annexation of territory adjacent to his own Dominion of South Africa. (2) Lloyd George was in favor of the principles of mandatory governments, but he was also in favor of the British colonies getting what they wanted first. Lord Robert Cecil with whom House conferred agreed more nearly with the President but knew that he could not swing the others to his way of thinking. (3) Balfour said very definitely that the British delegates did not object to the principle of mandates as applied to territory conquered by British arms and managed from

1. Temperley, H.T.V., A History of the Peace Conference, vol.II, p.26.

2. Baker, R.S., Woodrow Wilson and World Settlement, vol.I, p.266.

3. Seymour, C., The Intimate Papers of Colonel House, vol.IV, p.296.

London, but as applied to areas conquered by the self-governing dominions. The French supported the British and were very plain-spoken about the matter. They did not believe in the mandatory system or in the League of Nations as methods for dealing with the colonies. They wanted the Cameroons and Togo and they wanted annexation pure and simple. The Japanese supported this side because of their interests in the Pacific. The Italians were willing to support the President when it developed that the territory that they wanted was not involved. Lansing, Wilson's Secretary of State, was secretly against him. (1)

When it became evident in the Council of Ten that Wilson would not abandon his position the English and French newspapers began an attack upon him. He threatened to retaliate by giving out his side of the question. At this stage Smuts submitted a resolution which defined the three classes of mandates.

A. Those that would need only administrative advice and assistance until they were able to stand alone. This referred to certain communities formerly belonging to the Turkish Empire. (2)

B. Those, especially Central Africa, in which mandatory must be responsible for the administration

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1. Baker, R.S., Woodrow Wilson and World Settlement, vol.I, p.266, and Lansing, R., The Peace Negotiations, pp.83-4.
 2. Miller, D.H., Drafting the Covenant, vol.I, p.110.

of the territory.

C. Those such as South West Africa and Islands which could be administered under the mandatory state as integral portions thereof.

The resolution comprising these definitions was adopted by the Council of Ten after two meetings for discussion.

The changes that the President made in his Third Draft with regard to mandates followed this resolution almost word for word. The experience taught him that the less controversial material in the Covenant the better the chances were for getting it through the Conference. There was nothing definite said at the meetings of the Council of Ten as to which country would have which mandate, but it seemed to be taken for granted that the secret agreements made before the United States came into the war would be kept. This incident is considered by historians as the first crisis of the Conference and the President came through it with colors flying. It was indicative, however, of what he would have to face all through the peace proceedings. It was to be a fight between the new ideals and the old.

From the foregoing discussions of the Drafts that the president wrote it will be seen that he was the author of very little, if any, of the Covenant of the League of Nations. His first draft was based on the House Draft which in turn followed the Phillimore Report. It provided

for organized meetings of representatives of the nations of the world, for a permanent secretariat, qualified guarantees of territorial independence, disarmament and obligatory arbitration of disputes and for the use of force against a state that went to war. His Second Draft, written in Paris after he had studied the Smuts and Phillimore plans, was somewhat different. He dropped compulsory arbitration, adopted the idea of an Executive Council, the plan for a system of mandates, the sanction of an ipso facto war, and added one agreement which looked to the welfare of labor as a group and another suggesting the treatment for racial and religious minorities within countries. His Third Draft was changed following the suggestions of General Bliss, Mr. Lansing, and Mr. Miller. None of these changes were great, but were made in an effort to reconcile the views of everybody. When a new draft was drawn up at the same time by Lord Cecil, the President realized that he would have to make still more changes in order to insure British agreement. The greatest difference was with regard to the inclusion of the mandates resolution adopted by the Council of Ten to please the British.

It is interesting here to note that included in the twenty-two articles comprising the Hurst-Miller Draft which was to form the basis of discussion at the commission chosen to draft the Covenant of the League were

nine articles from the President's drafts and three others which contained ideas that he had included, but which were in different phrases.

Colonel House who had preceded Wilson to Paris believed that it was important for him to meet the persons who were to represent the European Powers at the Peace Conference before the meetings began. Such contacts he hoped would make for cordial relations between the President and with those with whom he would work later at the Conference table. Arrangements were made for two meetings with Clemenceau, one on December 17 and another on December 19. On the 21st with Colonel House he met Orlando and Sonnino but could not convince the Italians at that time that they should give up the Pact of London. During the Christmas season which he spent in London he talked with Lloyd George, Balfour and Bonar Law. Back in Paris he talked again with the Italians and at another time with Smuts, Cecil, House and Miller. The first of these informal meetings served to sound out opinion. Those which continued throughout January served to smooth out differences as to the content of the Covenant before the formal discussions took place.

The President was "unalterably determined" that the League should be an integral part of the treaty. He was supported by Lord Robert Cecil. Neither Lloyd George nor Clemenceau really cared. On the first day of the Peace

Conference, January 18, 1919, the French presented a plan of procedure which put the League of Nations last on the list of things to be considered. On the second day Wilson introduced a list of subjects with the League first on the list. The British at this point began to draft a resolution recommending that discussion of the League be placed in the hands of a committee. (1) They submitted it to the Supreme Council on January 21. It was endorsed on January 22 with slight verbal changes by the President, and approved without opposition or discussion as submitted by him to the Plenary Session of the Peace Conference. (2)

This resolution provided for the creation of a league of nations. It further stated that it should be an integral part of the general Treaty of Peace, that members should meet periodically, that there should be a permanent organization to function when the League was not in session (3) and that a committee should be appointed to work out the details of the constitution and functions of the League.

The personnel of such a committee was discussed at the Council meeting on the day that the resolution was endorsed. The President asked Lloyd George if he thought that delegates should form the committee and George agreed

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1. Baker, R.S., Woodrow Wilson and World Settlement, ^{vol.} I, p.236.
 2. Seymour, C., The Intimate Papers of Colonel House, vol.IV, pp.289-90.
 3. Miller, D.H., Drafting the Covenant, vol.I, 76.

that they should. He also was of the opinion that they should be persons who had already studied the question and suggested that Cecil and Smuts should serve for England. Wilson, a good strategist, elected to work on the committee himself which gave it an importance that it could not have had otherwise. (1)

Ray Stannard Baker says that Wilson wanted the League to be discussed in the more important councils at the conference and believes that the British and other powers side-tracked it into a committee so that their time might be spent on the more lucrative work of dividing the spoils. On the other side of the argument are House, Wiseman, (2) Miller and Tardieu. All of them indicate in their writings that Wilson knew the work would have to be done by a commission. Certainly this group has the more logical point of view. Miller says that Wilson himself suggested a commission to the council of ten. (3) That body would have been no place in which to make a draft for the League; their interests were on matters which they considered more important. In this commission were some of the most ardent exponents of a League. Baker felt that the League's opponents tried to make the commission large and unwieldy

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1. Baker, R.S., Woodrow Wilson and World Settlement, vol.I, pp.237-242.
 2. Reporter on the "Daily Mail", Lord Northcliffe's paper. This paper backed the League of Nations idea. Wiseman was extremely helpful in creating the right public opinion in England and France.
 3. Miller, D.H., Drafting the Covenant, vol.I, p.83.

by giving the smaller powers places on it. Miller points out that with the hot feeling that these little ones had about the smaller councils doing all the important work it would have been unheard of to omit them here. (1) It would have been difficult indeed for Wilson, after all that he had said about the importance of public opinion, not to welcome a large representation of smaller powers. As a matter of fact they did very little talking in the meetings of the commission if one excepts Belgium who would have had a place in any case because of her contribution to the allied cause. If the powers had had any intention of killing the League they could have done so easily by keeping the discussion of its fate in the Conference where it would have soon passed out from either neglect or exposure before the frigid blasts of Clemenceau's criticism. Moreover, Baker himself declares (2) that while at the time of the armistice Wilson dominated world opinion, that at the peace conference he was leader of the opposition and undoubtedly the minority, and as such he would have had less influence in the Conference than he had as chairman of the committee.

The meetings of the Commission were held in the rooms of Colonel House at the Hotel Crillon. Whitney H. Shepherdson describes the setting as follows: "There is

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1. Miller, D.H., Drafting the Covenant, vol.I, p.84.
 2. Baker, R.S., Woodrow Wilson and World Settlement, vol.I, p.103.

nothing particularly impressive about Room 351. It is the kind of reception room that may be found in many a French hotel. It is large, high, and decorated in the rather elaborate French style. But whatever its appearance may be while it is used for everyday purposes, it assumed a wholly different look during the meetings of the Commission. In the center of the room, a big round table covered with a red cloth. Around the table nineteen chairs for the nineteen members of the Commission. Slightly behind yet scattered through this circle of seats, a number of other chairs for French and English translators. In the corners three or four desks, and around the walls occasional chairs for any secretaries whom the members might care to bring with them. All in all, the table might have been laid for a meeting of the Cabinet or an American board of directors."

(1)

Baker says that the stage was cunningly set by House. Wilson as chairman sat at the head of the table. Tardieu says that he "discussed like a college professor criticizing a thesis, sitting bolt upright in his armchair, inclining his head at times toward his advisors, developing his views with the abundant clearness of a didactic logician."

(2) Beside Wilson sat Colonel House also representing the

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1. Miller, D.H., Drafting the Covenant, vol.I, p.120.
 2. Tardieu, A., Truth about the Treaty, p.103.

United States. He spoke at only one meeting when the President was away and when it was necessary for the United States delegate to give an opinion. On the other side of the chairman sat Lord Robert Cecil who represented the British Empire and who was one of the more commanding figures at Paris. He was simple and charming. Also representing the Empire was General Jan C. Smuts, Minister of Defense of the Union of South Africa. For France, M. Leon Bourgeois, former President of the Council of Ministers and Minister of Foreign Affairs and M. Larande, Dean of the Faculty of Law at Paris, two very able lawyers, both of whom spoke often and fluently. (1) Clemenceau who felt that the league was too visionary an undertaking to be useful let them work with practically no directions from him. (2) Vittorio Emanuele Orlando, President of the Council, and M. Scialoja, a senator, represented Italy. The former combined practical views with a great knowledge of international law. (3) The Japanese gentlemen, Baron Makino (4) and Count Chinda, (5) representing a country that had so

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1. House and Seymour, The Making of the League of Nations, p.398.
 2. Wilson and Clemenceau did not clash over the League for this reason. Their real quarrels came over other matters. House says that "it was not as much a duel as a general melee, in which the representatives of each nation struggled to secure endorsement for their particular methods of securing the peace."
 3. House and Seymour, The Making of the League of Nations, p.398.
 4. Former Minister of Foreign Affairs, Member of the Diplomatic Council.
 5. Ambassador Extraordinary and Plenipotentiary of H.I.M. the Emperor of Japan.

recently taken her place as a great power, appropriately spoke very little. M. Hymans, minister of Foreign Affairs and Secretary of State for Belgium, a fiery, brilliant orator, represented that country often and vociferously.

M. Pessoa of Brazil, although impressive, spoke seldom. Wellington Koo, China's minister at Washington was one of the best and most restrained orators present. M. Reis, representing Portugal and M. Vestnitch for Serbia spoke occasionally. After the fourth meeting four more representatives were sent from Poland, Greece, Roumania, Servia and Czecho-Slovakia which brought the total membership up to nineteen.

The Commission held fifteen meetings all together. During the eleven days from February 3 to February 13 there were eleven meetings and then after President Wilson returned from America they held four more, March 24, 25 and again April 10 and 11. This large group of delegates made a record of unbroken attendance at the meetings. They arrived on time. Each person found on his table a revised copy of the draft together with typed copies of any amendment that was to be proposed during the meeting. No time was lost in translating, it was done in an undertone as the speaker talked. The meetings were very simple, each man wore what was convenient to the meeting and they were held morning, afternoon, or evening, whenever the important members were free from other duties. There were no orations.

Plain speaking prevailed. It was agreed that the meetings should be informal. Frank and free discussion was encouraged. No secretaries were brought in until the third meeting. Wilson said that he wanted to be able to change his views without having what he had said before read to him.

The President, as chairman, suggested that the Covenant be read article by article and discussed informally. (1) No one stood up except Wilson for his opening speech. After an article was read amendments were suggested and discussed and either voted upon or withdrawn as opinion seemed to indicate. Proceedings were usually in English rather than French because the document under discussion was written in that language.

Since the English and Americans had a draft all ready, the Hurst-Miller Draft, they were in a position to control the situation and the French, supported by Belgium had to assume the role of opposition which they felt put them in a very bad light. Any suggestions which they wished to make, unfortunately for them, appeared in the form of objection to majority opinion. (2)

The first reading of the Covenant was completed in eight meetings by February 11. It is impossible within the scope of this paper to review in any detail the work done

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1. Miller, D.H., My Diary at the Conference of Paris, vol. V, p.37.
 2. Ibid, vol. V, p.343.

by the commission but it is interesting to note which articles caused the greatest amount of discussion.

The first of these had to do with the rights and privileges of the smaller powers. Four representatives from the smaller states had been added to the fifteen members already on the commission, not because it was thought desirable to have a larger group, but because it was felt that better feeling would prevail among the smaller powers if they were so recognized. Their rights came into the discussions again when the article with regard to membership on the Council was read. Cecil felt that the larger powers would be expected to carry the greater part of the responsibility in such an organization as the League and therefore should keep the Council to themselves. Under no consideration would a great power submit to being voted down in the Council meetings by the smaller powers. Vestnitch, Hymans and Koo, speaking for the smaller powers, said that they would resent being thus discriminated against. President Wilson suggested that if there would be no objection to a membership of five great powers and a minority of smaller powers an amendment could be drafted to that effect. This was done, but debate continued at the third meeting and it was not definitely decided to give the smaller powers four representatives on the Council until the ninth meeting.

The second important discussion centered about the

phrase "a self-governing state". The article read, "Admission to the League of States who are not signatories of this Covenant requires the assent of not less than two-thirds of the Body of Delegates." (1) The other qualification for membership was that the State conform to the League's standards of military and naval forces and armaments.

President Wilson, after reading the article, proposed this amendment; insert at the beginning of the second paragraph "Only self-governing States shall be admitted to membership in the League; colonies enjoying full powers of self-government may be admitted; but--" It was this amendment which aroused the discussion. Immediately there was an attempt made to define a self-governing state. Lord Cecil objected to the wording because if the article was so phrased it would not apply to India which had as much self-government as England felt it could safely be given. It had contributed heavily to the war and yet was not considered by the world at large as having self-government in the real sense of the word. Wilson agreed to all this but felt that if the wording were changed to include India it would then include the Philippines which were certainly not ready to be admitted to the League. He felt, however,

1. Article 6 of Hurst-Miller Draft.

that since this was the only place in the Covenant that the principle of democracy for which the armies had fought was mentioned that it should be included. General Smuts came to the rescue with the suggestion that India would be a signatory member and would not be a problem at all. This saved the situation as far as Wilson and Cecil were concerned but the two French statesmen were left in doubt as to the correct definition of a self-governing state. The Article was adopted with the President's amendment. (1)

At the ~~ninth~~^{eighth} meeting the French presented a number of amendments. Some of these merely clarified what the others assumed was in the spirit of the text. Those which they were most anxious to include and to which there was most objection provided for international supervision of armaments and for an international military force. In article VIII, after the phrase "The Executive Council shall formulate plans for effecting such reduction" insert the following paragraphs; "Il instituera un contrôle international des effectifs et des armements et les Hautes Parties Contractantes et engagent à s'y soumettre en toute bonne foi.

Il déterminera les conditions dans lesquelles doivent être assurées d'une façon permanente l'existence et l'organisation de la force internationale."

1. Miller, D.H., My Diary at the Conference of Paris, vol.I, p.357.

The French in explaining the need for these dwelt on the fact that France must have a feeling of safety from the League. Unless there was some way of bringing a large force to her aid in time of danger she could not feel this security. Public opinion demanded such reassurance. President Wilson pointed out that in the United States one of the greatest criticisms aimed at the League was that United States troops would be under the control of some other country and could be called out at any time to do its bidding. It was against our constitution and he simply could not subscribe to it for that reason. Cecil said that he could not for the same reason. The French replied that as far as they were concerned the League was nothing but a philosophical treatise without it. (1) The session closed with feelings somewhat strained. On the following day at the tenth meeting while Lord Robert Cecil was in the chair the question came up again but when the amendment was put to a vote it was defeated.

The religious article, another controversial topic, would no doubt have been passed as a polite gesture to President Wilson had not the Japanese decided to attach to it their racial equality amendment. This article, 19 of the Hurst-Miller Draft, read; "The High Contracting Parties agree that they will make no law prohibiting or interfering

1. Steed, H.W., Through Thirty Years, vol.II, p.282.

with the free exercise of religion, and that they will in no way discriminate, either in law or in fact against those who practice any particular creed, religion or belief whose practices are not inconsistent with public order or public morals." During the sixth meeting when this was first read Hymans, Reis and Orlando spoke rather weakly against it as it was worded. It was referred to the drafting committee who recommended "that in view of the complications of the question it would be preferable to omit this article altogether." If, however, it was to be included they suggested that a milder wording be used. When it was read for the second time at the tenth meeting the President was absent but Mr. House reminded the Commission how important it had been to him. M. Larnaude remarked that even so it was a difficult clause to include. Then for the first time the Japanese proposed an amendment. Baron Makino reminded them that racial and religious animosities had been fruitful sources of trouble throughout history. He pointed out that since different races had fought together for a common cause during the war that it was only fitting that the equality of men be admitted and be made the basis of future intercourse. Lord Cecil answered the speech by saying that it was a matter of a highly controversial character within the British Empire and had better be postponed for examination. This did not end the matter for at the final meeting of the commission the Japanese brought

forward a similar clause to be inserted in the preamble.

The text of the Covenant was to be presented to a Plenary Session of the Conference on February 14. President Wilson, as chairman of the Commission, read the Covenant and then spoke briefly with regard to the aims of the League. Lord Robert Cecil, representing Great Britain followed him, agreeing with him in every respect. M. Orlando, speaking in French was also in agreement, offering the League as a monument to those who gave their lives during the war. M. Leon Bourgeois, representing France, expressed the view of their delegates. He assented to the principles embodied in the League but also aired the reservations with regard to the international force that they felt necessary. Baron Makino spoke next mentioning the fact that he also had a "proposition" in reserve. Mr. Barnes spoke for the British Working Classes, M. Veniselos for Greece, Mr. Wellington Koo for China and M. Rustem Haidar for Hedjaz. Hughes of Australia inquired when the discussion on the Covenant would be held. Clemenceau replied that, "the Covenant had been deposited with the Bureau of the Conference for examination and discussion by all the interested Powers. The date on which the discussion would take place would depend on the completion of the preliminary examination of the scheme." (1)

1. Miller, D.H., Drafting the Covenant, vol.II, p.578.

Wilson left for home that afternoon to return to Paris on March 14. Since this paper is concerned with his contributions to the Covenant this visit to the United States may be mentioned very briefly. While at home he invited the members of the Committee on Foreign Affairs of the House and the Foreign Relations Committee of the Senate to dinner at the White House on February 26. Mr. Lodge reports, "It was a large and very pleasant dinner. After dinner we went into the East Room. The President answered questions for about two hours about the draft of the constitution of the League of Nations, and told us nothing." (1) This dinner served only to convince enemies of the League that they were in the right.

Criticisms and suggestions came pouring in from every side both in Europe and in America. The President would have had the Covenant accepted as it had been drafted and would have had any corrections made by the League itself after it had gone into operation. Friends of the measure finally convinced him that unless some concessions were made to the Senate they would never approve the Treaty.

After Mr. Wilson had returned to Paris Mr. Taft wired him a summary of the Senate's demands:

"If you bring back the treaty with the League of Nations in it make more specific reservation of the Monroe Doctrine,

1. Lodge, H.C., The Senate and the League of Nations, p.100/

fix a term for duration of the League, and the limit of armament, require expressly unanimity of action in the Executive Council and Body of Delegates, and add to Article 15 a provision that where the Executive Council of the Body of Delegates finds the difference to grow out of an exclusively domestic policy, it shall recommend no settlement, the ground will be completely cut from under the opponents of the League in the Senate. Addition to Article 15 will answer objection to Japanese immigration, as well as tariffs under Article 21. Reservation of the Monroe Doctrine might be as follows:..... Monroe Doctrine reservation alone would probably carry the treaty, but others would make it certain." (1) Other proposals came from the British, French and the Neutrals, but none of these were particularly contentious.

The Monroe Doctrine caused more discussion than any of the other American demands, not because it really mattered to the members of the Commission except perhaps to the Chinese who had the problem of a Japanese Monroe Doctrine uncomfortably near at home, but because Lloyd George was using it as a means to get Wilson's consent to a ship-building agreement. It put the American representatives in

1. Miller, D.H., Drafting the Covenant, vol.I, p.277. Mr. Taft's wording for Monroe Doctrine amendment is not given here because it was not used.

a very difficult position, that of doing exactly the sort of private bargaining that they had deplored. After much discussion in small groups and writing of notes and letters among Cecil, Balfour, Miller, George and Wilson, England finally agreed that it might be included. The Senate would not accept the treaty without the change. For the ships that had already been authorized by Congress there was nothing the President could do. The act as passed by Congress only allowed him to suspend further building. (1) The Article covering the Monroe Doctrine finally became Article 21. The phrase "or understandings" was added to satisfy Mr. Koo's doubts as to future Japanese interpretations of the article.

The second American amendment providing for withdrawal at the end of ten years aroused long and heated debate. Mr. Wilson presented it in this form at the thirteenth meeting: "After the expiration of ten years from the ratification of the Treaty of Peace of which this Covenant forms a part, any State a member of the League may, after giving one year's notice of its intention, withdraw from the League, provided all its international obligations and all its obligations under this Covenant shall have been fulfilled at the time of its withdrawal." (2)

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1. Miller, D.H., Drafting the Covenant, vol.I, p.424.
 2. Ibid., vol.I, p.342.

The French pointed out that if such a provision were included it would give rise to a feeling of insecurity and instability with regard to the League. That no one would expect it to be a success. That countries not belonging would ally themselves against it. That it was the only reference to a particular country in the whole document. President Wilson replied that he, personally, felt that any nation once a member was morally obligated to remain so but that the United States could not enter at all unless this clause were included to pacify those who were afraid of losing their state sovereignty. The amendment was finally added without the ten year limit but with the two year notice of its intention to withdraw remaining.

The question of racial equality was brought up again by the Japanese at the last meeting of the Commission. They were very anxious to include a clause definitely asserting the equality of races. All sorts of ideas were behind it, immigration for one. That aspect of the matter alone would have kept the British Dominions from ever giving their consent to its inclusion in the Covenant. The Japanese had visited Mr. House repeatedly with regard to it. When they failed in their attempt to include it in Mr. Wilson's "religious freedom" article they planned to add it to the preamble. The amendment lost when put to a vote.

After the fifteenth meeting of the Commission on April 11, 1919, the Covenant went to a drafting committee

named by Mr. Wilson. On April 28, 1919, at three o'clock it was presented at the Plenary Session of the Peace Conference. The President did not read the Covenant this time but merely called attention to the changes that had been made since February 14. Baron Makino then stated the aims of the Japanese in presenting their amendment but did not press the matter. M. Hymans spoke on the choice of Geneva for the seat of the League. Both French delegates spoke but did not insist upon their claims. The Covenant was adopted with a short amendment, a legal necessity, proposed by Mr. Wilson. It became Part I of the Treaty of Versailles.

We have the reports of those who attended the meetings of the Commission to help us see the part that Wilson played. David Hunter Miller, legal advisor for the American Delegation to the conference, says, "The meetings were greatly dominated by President Wilson. The whole tone of the speeches, when differing from his views conveyed the aim of convincing him, which indeed they sometimes did. But to his final opinions there was unmistakable deference, with the possible exception, in some cases of the French delegates." (1) House says, "Practically everything originates with Cecil or Wilson. Wilson excels in this kind of work." (2)

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1. Miller, D.H., My Diary at the Conference of Paris, vol.I, p.353.
 2. Seymour, C., The Intimate Papers of Colonel House, vol.IV, p.312.

As one reads the minutes of the meetings he finds that Wilson is always bringing the orators of the group back to the point and smoothing away objections to get things through. Many an apparently impossible deadlock is avoided by the matter being placed in the hands of a committee at the crucial moment instead of being lost by a premature vote. As chairman he had the privilege of reading and explaining articles as they were considered and thus was able by the inflection of his voice and manner of reading to put his own interpretation before the committee first. Mr. Wilson was an expert speaker. It would be unusual indeed if he did not use his gift in a cause so near to his heart. He controlled the committee aside from the force of his personality by ruling arbitrarily on votes. Usually decisions were decided by a majority but on the question of racial equality he ruled a unanimous vote which gave the British the force of a majority in a small minority position. There were objections raised by the French but he defended his decision ably. (1)

There were in all sixty-eight amendments or changes of wording made during the fourteen meetings. Of these Wilson proposed twenty-six, Cecil as delegate for England and as chairman of the drafting committee twenty-five, France five, China, Japan and Serbia each two, and South

1. Miller, D.H., Drafting the Covenant, vol.I, p.464.

Africa and Serbia one apiece. Of those that Wilson proposed, sixteen were passed, two were lost and six were referred to committees. Of those that Cecil offered, twenty were accepted, two of which had been changed somewhat in wording by Wilson. Three French amendments were accepted. If one remembers when reading these figures that Wilson usually had the support of Cecil and he that of Wilson one can understand to what extent they are responsible for the contents of the Covenant. (1)

Much important work was done in sub-committees, in conversations and in correspondence. The drafting committee composed of Cecil, Smuts, Orlando, Koo and Miller are responsible for many minor changes in wording and shades of meaning. House and Cecil met often and the former modestly admits that they did nearly all the difficult work between meetings so that there would be no friction during the meetings. A careful reading of the minutes leaves one with the impression that the French and Belgian delegates could not have taken part in these meetings.

General Smuts sums up Wilson's work at the conference in an article written for Current Opinion. "Only a man of great power and influence and dogged determination could

1. This conclusion is the result of a careful check of the minutes of the fifteen meetings of the commission.

have carried the Covenant through the peace conference. Others had perhaps given more thought to the elaboration of the great plan. But his was the power and the will that carried it through." (1)

Although Mr. Wilson did not write the Covenant many of his ideas are there. He was tireless in his efforts to combine the ideas of everyone else into an acceptable document. By the wise use of his powers and privileges as chairman of the commission he was able to influence the group in such a way that the League was nearly as he wished it to be. The belief in his ideals and the force and determination in his character which made the League possible were no doubt also his undoing. The person who can accomplish such work must have a singleness of purpose amounting almost to fanaticism. That quality helped him win the League in Europe. It was probably the cause of his losing it in America. Although he knew of the opposition to the League at home he did nothing about it until his enemies had the Senate well organized and public opinion well drugged. Then he planned a country wide tour to appeal to the people. Wilson had a reformer's desire to give the people of the world a fair chance. He idealized them and never seemed to lose his faith in their ability to see the right and to support it. With this end in view he planned

1. Current Opinion, April, 1921.

the western tour. His physician warned him that such an exhausting campaign would be very dangerous to his health. The President believed that the cause was worth any risk that he might take. (1) He had once said, "Every man has to die. It is done only once, and being a single and distinguished act, ought to be thrilled through with the purpose of life, so that as a man lived and loved, so may he die, striving for the things which put the corpuscles of his blood into shouting shape whenever great things are proposed."

Those who judge Wilson's work at the Peace Conference and lament his great failure there think of the Versailles Treaty as a whole and not of the Covenant of the League of Nations. If one thinks of that Assembly as he did, as an organization for correcting the mistakes of the treaty which he believed to be numerous, and if he thinks of it as an assembly that could improve its own organization to fit the constantly changing needs of the future, then it is easy to believe with Wilson that it was worth his "last single and distinguished act."

1. White, Woodrow Wilson, p. 443

APPENDIX

The Covenant of the League of Nations as included in the Treaty of Versailles. Footnotes indicate source of the articles, sentences or phrases.

The High Contracting Parties

In order to promote international cooperation and to achieve international peace and security (1) by the acceptance of obligations not to resort to war, (2) by the prescription of open, (3) just and honorable relations between nations, by the firm establishment of the understandings of international law as the actual rule of conduct among Governments, and by the maintenance of justice and a scrupulous respect for all treaty obligations in the dealings of organized peoples with one another, Agree to this Covenant of the League of Nations.

Article 1.

1. The original Members of the League of Nations shall be those of the Signatories which are named in the Annex to

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1. Found in different form in Wilson's Third Draft, January 20, 1919.
 2. Found in different form in Wilson's Fourth Draft, February 2, 1919; "not to resort to the use of armed force".
 3. Found in Wilson's Second Draft, January 10, 1919.

this Covenant and also such of those other States named in the Annex as shall accede without reservation to this Covenant. (1) Such accession shall be effected by a Declaration deposited with the Secretariat within two months of the coming into force of the Covenant. Notice thereof shall be sent to all other members of the League. (2)

2. Any fully self-governing State, Dominion or Colony not named in the Annex may become a Member of the League if its admission is agreed to by two-thirds of the Assembly, (3) provided that it shall give effective guarantees of its sincere intention to observe its international obligations, and shall accept such regulations as may be prescribed by the League in regard to its military, naval and air forces and Armaments. (4)

3. Any Member of the League may, after two year's notice of its intention to do so, withdraw from the League, provided that all its international obligations and all its obligations under this Covenant shall have been fulfilled at the time of its withdrawal. (5)

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1. Wilson's suggestion, made at the eleventh meeting, was worded "The original Members of the League shall be those signatories named in the schedule annexed to the Covenant and also those other powers named in the schedule who are hereby subsequently to accede to the covenant."
 2. Drafting Committee's suggestion, April 5, 1919.
 3. First found in House Draft, Article 22, in the following form; "A power could come in if two-thirds of the Assembly invited it." It is also in Wilson's First Draft, Article XII. The armament idea was introduced in Smuts' Plan, Article 8.
 4. Wilson's Second Draft, Article XII.
 5. Proposed by Cecil at thirteenth meeting of the Commission. It was adopted after much debate. Wilson had asked for a ten-year withdrawal clause because of the insistence of the Senate but other members of the Commission felt that such a clause would weaken the confidence of nations.

Article 2

The action of the League under this Covenant shall be effected through the instrumentality of an Assembly and of a Council, with a permanent Secretariat. (1)

Article 3.

1. The Assembly shall consist of Representatives of the Members of the League. (2)
2. The Assembly shall meet at stated intervals (3) and from time to time as occasion may require at the seat of the League or at such other place as may be decided upon. (4)
3. The Assembly may deal at its meetings with any matter within the sphere of action of the League or affecting the peace of the world.
4. At meetings of the Assembly each Member of the League shall have one vote, and may not have more than three representatives. (5)

Article 4.

1. The Council shall consist of the Representatives of the

1. Found in Wilson's First Draft where he uses "Body of Delegates instead of "of an Assembly". This change of wording was made by the drafting committee after it was suggested in a British report of April 1, 1919. The idea of a small body or "council" within the larger assembly was first suggested by Smuts. Wilson incorporated it into his later Drafts.
2. Idea in Phillimore Report, Article 5; in House Draft, Article 6; and in Wilson's Fourth Draft.
3. Suggested by Wilson at second meeting of Commission.
4. From Wilson's Fourth Draft, Article 2, and in Hurst-Miller Draft, Article 2.
5. Adopted at ninth meeting.

Principal Allied and Associated Powers, together with Representatives of four other Members of the League. (1) These four Members of the League shall be selected by the Assembly from time to time in its discretion. Until the appointment of the representatives of the four Members of the League first selected by the Assembly, Representatives of Belgium, Brazil, Spain and Greece shall be members of the Council.

2. With the approval of the majority of the Assembly, the Council may name additional Members of the League whose Representatives shall always be members of the Council; the Council with like approval may increase the numbers of Members of the League to be selected by the Assembly for representation on the Council. (2)

3. The Council shall meet from time to time as occasion may require, and at least once a year, at the seat of the League, or at such other place as may be decided upon. (3)

4. The Council may deal at its meetings with any matter within the sphere of action of the League or affecting the peace of the world. (4)

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1. Wording made by Council of Three before May 5, 1919. Miller had planned for only great powers on this Council. This form is Wilson's idea in Fourth Draft.
 2. Suggested in "British Proposals to Drafting Committee" and proposed as an amendment by Cecil at eleventh meeting.
 3. Hurst-Miller Draft, Article 3, Paragraph 3, but no time limit set.
 4. Hurst-Miller Draft, Article 3, Paragraph 3.

5. Any Member of the League not represented on the Council shall be invited to send a representative to sit as a Member at any meeting of the council during the consideration of matters especially affecting the interests of that Member of the League. (1)

6. At meetings of the Council, each Member of the League represented on the Council shall have one vote, and may not have more than one Representative. (2)

Article 5

1. Except where otherwise expressly provided in this Covenant or by the terms of the present Treaty, decisions at any meeting of the Assembly or of the Council shall require the agreement of all the Members of the League represented at the meeting. (3)

2. ~~All~~ matters of procedure at meetings of the Assembly or of the Council, including the appointment of Committees to investigate particular matters, shall be registered by the Assembly (4) or by the Council and may be decided by a majority of the Members of the League represented at the meeting.

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1. Amendment suggested by Cecil at eleventh meeting. Included in Hurst-Miller Draft in less direct form.
 2. This article was drafted at a meeting of House, Cecil, Smuts, Orlando, Koo, Hurst and Miller. It has been retained as written.
 3. Suggested in eleventh meeting by Lord Cecil and adopted as read.
 4. Wilson's Second Draft, Article II, and his Fourth, Article II, paragraph 1. Wording there is different, majority idea omitted. Also in Hurst-Miller Draft, Article 2, paragraph 4.

3. The First meeting of the Assembly and the first meeting of the Council shall be summoned by the President of the United States of America. (1)

Article 6.

1. The permanent Secretariat shall be established at the Seat of the League. The Secretariat shall comprise a Secretary General and such secretaries and staff as may be required. (2)

2. The first Secretary General shall be the person named in the Annex; thereafter the Secretary General shall be appointed by the Council with the approval of the majority of the Assembly. (3)

3. The secretaries and staff of the Secretariat shall be appointed by the Secretary General with the approval of the Council. (4)

4. The Secretary General shall act in that capacity at all meetings of the Assembly and of the Council. (5)

5. The expense of the Secretariat shall be borne by the Members of the League in accordance with the apportionment

1. An English suggestion of third meeting.
2. From Cecil Plan of January 14, 1919. Also in Hurst-Miller Draft, Article 4, paragraph 1.
3. From Cecil Plan, although suggested only in part, "Appointment to be by great powers". Found more nearly like this article in amalgamation of Wilson's and Cecil's Drafts.
4. Cecil-Miller Draft. In Hurst-Miller Draft omitting "with the approval of the Council."
5. British Draft, January 20, 1919. Also in Hurst-Miller Draft, Article 4, paragraph 2.

of the expenses of the International Bureau of the Postal Union. (1)

Article 7.

1. The Seat of the League is established at Geneva. (2)
2. The Council may at any time decide that the Seat of the League be elsewhere. (3)
3. All positions under or in connection with the League, including the Secretariat, shall be open to men and women. (4)
4. Representatives of the Members of the League and officials of the League when engaged on the business of the League shall enjoy diplomatic privileges and immunities. (5)
5. The buildings and other property occupied by the League or its officials or by Representatives attending its meetings shall be inviolable. (6)

Article 8.

1. The Members of the League recognize that the maintenance of peace requires the reduction of national armaments to the lowest point consistent with national safety, (7) and the

1. House Draft, Article 9. Hurst-Miller Draft, Article 4.
2. Finally established at fourteenth meeting.
3. Suggested to Drafting Committee by Miller.
4. Proposed by British at thirteenth meeting. According to their law women are excluded if not named.
5. In Hurst-Miller Draft, Article 5.
6. Both paragraphs 4 and 5 were suggested by the British and are given in the Hurst-Miller Draft. The word "invincible" was a French amendment.
7. House Draft, Article 21. Miller says this was given in a speech by Wilson, March 5, 1917 (Second Inaugural Address) "National armaments should be limited to the necessities of national order and domestic safety". It is also in Wilson's First Draft, Article IV, paragraph 1.

enforcement by common action of international obligations. (1)

2. The Council, taking account of the geographical situation and circumstances of each state, shall formulate plans for such reduction for the consideration and action of the several governments. (2)

3. Such plans shall be subject to reconsideration and revision at least ^{every} ten years. (3)

4. After these plans shall have been adopted by the several Governments, the limits of armaments therein fixed shall not be exceeded without concurrence of the Council. (4)

5. The Members of the League agree that the manufacture by private enterprize of munitions and implements of war is open to grave objections. The Council shall advise how the evil effect attendant upon such manufacture can be prevented, due regard being had to the necessities of those Members of the League which are not able to manufacture the munitions and implements of war necessary for their safety. (5)

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1. Wilson's First and Fourth Draft, Article IV, paragraph 1.
 2. Wilson's First Draft, Article IV, paragraph 1.
 3. One of the suggestions offered by the United States Senate. Cecil proposed this amendment.
 4. Proposed by Cecil at eleventh meeting.
 5. Amendment proposed by Wilson. Cecil is also given credit for it. The words, however, are Wilson's - Fourth Draft, Article XI, paragraph 2. Cecil's amendment absolutely forbade private manufacture.

6. The Members of the League undertake to interchange full and frank information as to the scale of their armaments, their military, naval and air programmes (1) and the condition of such of their industries as are adaptable to war-like purposes. (2)

Article 9.

A permanent Commission shall be constituted to advise the Council on the execution of the provisions of Articles 1 and 8 and on military, naval and air questions generally.(3)

Article 10.

1. The Members of the League undertake to respect and preserve as against external aggression the territorial integrity and existing (4) political independence of all Members of the League. (5) 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 this obligation shall be fulfilled. (6)

Article 11.

1. Any war or threat of war, whether immediately affecting

1. Wilson's First Draft, Article IV, paragraph 2.
2. This phrase was added in Cecil's amendment at the eleventh meeting.
3. Found in Specific Commissions in Italian Draft. Also in Specific Commissions in French Report. Part of article changed in ninth meeting. "On execution of Article I" omitted at that time. Proposed by Cecil and voted upon at tenth meeting.
4. Word "existing" added in Hurst-Miller Draft.
5. House Draft, Article 20. Also in Wilson's Fourth Draft, Article III.
6. Amendment proposed by Wilson at fourth meeting.

any of the Members of the League or not, is hereby declared a matter of concern to the whole League, (1) and the League shall take any action that may be deemed wise and effectual to safeguard the peace of nations. (2) In case any such emergency should arise the Secretary General shall on the request of any Member of the League forthwith summon a meeting of the Council. (3)

2. It is also declared to be the friendly right of each Member of the League to bring to the attention of the Assembly or of the Council any circumstance whatever affecting international relations which threatens to disturb international peace or the good understanding between nations upon which peace depends. (4)

Article 12.

1. The Members of the League agree that if there should arise between them any dispute likely to lead to rupture, they agree in no case to resort to war until three months after the award by the arbitrators or the report by the Council. (5)

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1. House Draft, Article 5. Wilson's Fourth Draft, Article VII, paragraph 1.
 2. Found in Wilson's First Draft, Article VIII, paragraph 1. Hurst-Miller Draft, Article 9, paragraph 1.
 3. Found in Wilson's First Draft, Article VIII, paragraph 2. Wording there slightly different.
 4. Found in Phillimore Report Article 16, in different wording but containing the same idea. Also in Wilson's Fourth Draft, Article VIII and in the Hurst-Miller Draft, Article 9, paragraph 2.
 5. Found in Phillimore Report, Article 1, in slightly different wording. In Wilson's Fourth Draft, Article V, paragraph 1, minus time clause.

2. In any case under this article the reward of the arbitrators shall be made within a reasonable time, and the report of the Council shall be made within six months after the submission of the dispute. (1)

Article 13.

1. The Members of the League agree that whenever any dispute shall arise between them which they recognize to be suitable for submission to arbitration and which cannot be satisfactorily settled by diplomacy, they will submit the whole subject-matter to arbitration. (2)

2. Disputes as to the interpretation of a treaty, as to any question of international law, as to the existence of any fact which if established would constitute a breach of an international obligation, or as to the extent and nature of the reparation to be made for any such breach, are declared to be among those which are suitable for submission to arbitration. (3)

3. For the consideration of any such dispute the court of arbitration to which the case is referred shall be the court of arbitration agreed on by the parties to the dispute or

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1. Discussed at fourth meeting but no definite conclusion reached.
 2. Phillimore Report, Article 1.
 3. Phillimore Report, Article 3, wording almost the same. Wilson's Fourth Draft, Article V, paragraph 2.

stipulated in any convention existing between them. (1)

4. The Members of the League agree that they will carry out in full good faith any award that may be rendered, and that they will not resort to war against a Member of the League which complies therewith. In the event of any failure to carry out such an award, the Council shall propose what steps should be taken to give effect thereto. (2)

Article 14.

The Council shall formulate and submit to the Members of the League for adoption plans for the establishment of a Permanent Court of International Justice. The Court shall be competent to hear and determine any dispute of an international character which the parties thereto submit to it. The court may also give an advisory opinion upon any dispute or question referred to it by the Council or by the Assembly. (3)

Article 15.

1. If there should arise between Members of the League any dispute likely to lead to a rupture, which is not submitted to arbitration in accordance with Article 13, the Members of the League agree that they will submit the matter to the Council. Any party to the dispute may effect such submission

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1. Amendment proposed by Cecil at fourth meeting.
 2. Ideas are in Phillimore Report, Article 1, in Smuts Plan, in Cecil Plan of January 4, and in Wilson's Third Draft, Article V, Wording was agreed upon in ninth meeting of the commission
 3. Idea for this in House Draft, Article 10.

by giving notice of the existence of the dispute to the Secretary General, who will make all necessary arrangements for a full investigation and consideration thereof. (1)

2. For this purpose the parties to the dispute will communicate to the Secretary General, as promptly as possible, (2) statements of their case with all the relevant facts and papers, (3) and the Council may forthwith direct the publication thereof. (4)

3. The Council shall endeavor to effect a settlement of the dispute, and if such efforts are successful, a statement shall be made public giving such facts and explanations regarding the dispute and the terms of the settlement thereof as the Council may deem appropriate. (5)

4. If the dispute is not thus settled, the Council either unanimously or by a majority vote shall make and publish a report containing a statement of the facts of the dispute and the recommendations which are just and proper in regard thereto. (6)

5. Any Member of the League represented on the Council may make public a statement of the facts of the dispute and of its conclusions regarding the same. (7)

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1. Wilson Draft, Article V, paragraph 1.
 2. "As promptly as possible"- an amendment by Vesnitch.
 3. As far as this in Hurst-Miller Draft, Article 13, paragraph 2.
 4. Amendment by Cecil.
 5. Hurst-Miller Draft, Article 13, paragraph 2.
 6. Phillimore Report, Article 11. Wilson's Third Draft, Article V, paragraph 6. Hurst-Miller Draft, Article 13.
 7. Phillimore Report, Article 11 (Alternative Article.)

6. If a report by the Council is unanimously agreed to by the Members thereof other than the Representatives of one or more of the parties to the dispute, the Members of the League agree that they will not go to war with any party to the dispute which complies with the recommendations of the report. (1)

7. If the Council fails to reach a report which is unanimously agreed to by the Members thereof, other than the Representatives of one or more of the parties to the dispute, the Members of the League reserve to themselves the right to take such action as they shall consider necessary for the maintenance of right and justice.

8. If the dispute between the parties is claimed by one of them and is found by the Council, to arise out of a matter which by international law is solely within the domestic jurisdiction of that party, the Council shall so report, and shall make no recommendation as to its settlement. (2)

9. The Council may in any case under this Article refer the dispute to the Assembly. The dispute shall be so referred at the request of either party to the dispute, provided that such request be made within fourteen days after the submission of the dispute to the Council. (3)

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1. Phillimore Report, Article 1. Wilson suggested changes in this during twelfth meeting. Hurst-Miller Draft, Article 13, paragraph 2.
 2. Amendment written by Wilson during twelfth meeting.
 3. Report of a sub-committee at seventh meeting.

10. In any case referred to the Assembly, all the provisions of this Article and of Article 12 relating to the action and powers of the Assembly, provided that a report made by the Assembly, if concurred in by the Representatives of those Members of the League represented on the Council and of a majority of the other Members of the League, exclusive in each case of the Representatives of the parties to the dispute, shall have the same force as a report by the Council concurred in by all members thereof other than the Representatives of one or more parties to the dispute.

Article 16.

1. Should any Member of the League resort to war in disregard of its covenants under Article 12, 13 or 15, it shall ipso facto be deemed to have committed an act of war against all other Members of the League, which hereby undertake immediately to subject it (1) to the severance of all trade or financial relations, the prohibition of all intercourse between their nationals and the nationals of the covenant-breaking state, and the prevention of all financial, commercial or personal intercourse between the nationals of the covenant-breaking state and the nationals of any other state, whether a Member of the League or not. (2)
2. It shall be the duty of the Council in such case to

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1. "which hereby undertake immediately to subject it", Wilson amendment at fifth meeting.
 2. Miller says this, in substance, is in Phillimore Report, Article 3. If so, it has been greatly modified here. Also in House Draft, Article 14 and in Wilson's Fourth Draft, Article 6.

recomment to the several governments concerned what effective military, naval or air force the Members of the League shall severally contribute to the armed forces to be used to protect the covenants of the League. (1)

3. The Members of the League agree, further, that they will mutually support one another in the financial and economic measures which are taken under this article, in order to minimize the loss and inconvenience resulting from the above measures, and that they will mutually support one another in resisting any special measure aimed at one of their number by the covenant-breaking state, and that they will take the necessary steps to afford passage through their territory to the forces of any of the Members of the League which are cooperating to protect the Covenants of the League. (2)

4. Any Member of the League which has violated any covenant of the League may be declared to be no longer a Member of the League by a vote of the Council concurred in by the Representatives of all other Members of the League represented thereon. (3)

Article 17.

1. In the event of a dispute between a Member of the League and a State which is not a Member of the League, or between

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1. Wilson's Third and Fourth Drafts, Article 6.
 2. Wilson's Third Draft, Article VI, and Fourth, Article VI, paragraph 6. Hurst-Miller Draft, Article 14, paragraph 3.
 3. Inserted by drafting committee.

States not Members of the League, the State or States not Members of the League shall be invited to accept the obligations of membership in the League for purposes of such dispute, upon such conditions as the Council may deem just. If such invitation is accepted, the provisions of Articles 12 to 16 inclusive (1) shall be applied with such modifications as may be deemed necessary by the Council. (2)

2. Upon such invitation being given the Council shall immediately institute an inquiry into the circumstances of the dispute and recommend such action as may seem best and most effectual in the circumstances. (3)

3. If a state so invited shall refuse to accept the obligations of membership in the League for the purposes of such dispute, and shall resort to war against a Member of the League, the provisions of Article 16 shall be applicable as against the state taking such action. (4)

4. If both parties to the dispute when so invited refuse to accept the obligations of membership in the League for the purposes of such dispute, the Council may take such measures and make such recommendations as will prevent hostilities

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1. "Provisions....inclusive", Cecil amendment at third meeting.
 2. Idea and part of wording in Phillimore Report, Articles 13 and 14. Wording is as it was in Text agreed upon by Wilson and Cecil, March 18.
 3. Wilson's Fourth Draft, Article IX. Hurst-Miller Draft, Article 15, paragraph 2.
 4. Wilson's Fourth Draft, Article IX. Hurst-Miller Draft, Article 15, paragraph 3.

and will result in the settlement of the dispute. (1)

Article 18.

Every treaty or international engagement entered into hereafter by any Member of the League (2) shall be forthwith registered with the Secretariat and shall be as soon as possible published by it. No such treaty or international engagement shall be binding unless so registered. (3)

Article 19.

The Assembly may from time to time advise the reconsideration by Members of the League of treaties which have become inapplicable and the consideration of the international conditions whose continuance might endanger the world.

Article 20.

1. The Members of the League severally agree that this Covenant is accepted as abrogating all obligations or undertakings inter se which are inconsistent with the terms thereof, and solemnly undertake that they will not hereafter enter into any engagements inconsistent with the terms thereof.

2. In case any Member of the League shall, before becoming a Member of the League, have undertaken any obligations inconsistent with the terms of this Covenant, it shall be

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1. Wilson's Fourth Draft, Article IX. Hurst-Miller Draft, Article 15, paragraph 4.
 2. Idea suggested by Lansing. Wilson's Second Draft.
 3. Vestnitch.

the duty of such Member to take immediate steps to procure its release from such obligations. (1)

Article 21.

Nothing in this Covenant shall be deemed to affect the validity of international engagements, such as treaties of arbitration or regional understandings like the Monroe Doctrine, for securing the maintenance of peace. (2)

Article 22. (3)

1. To those colonies and territories which as a consequence of the late war have ceased to be under the sovereignty of the states which formerly governed them and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilization and that securities for the performance of this trust should be embodied in this covenant.

2. The best method of giving practical effect to this principle is that the tutelage of such peoples should be entrusted to advanced nations who by reason of their resources; their experience or their geographical position can best undertake this responsibility, and who are willing to

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1. Phillimore Report, Article 20, A. and B. Also in Wilson's Fourth Draft, Article XIII.
 2. Proposed by Wilson at fourteenth meeting.
 3. Idea of this article came from a proposal written by Smuts to Council of Ten on January 30. The wording is Wilson's.

accept it, and that this tutelage should be exercised by them as Mandatories on behalf of the League. (1)

3. The character of the mandate must differ according to the stage of the development of the people, the geographical situation of the territory, and its economic conditions and other similar circumstances. (2)

4. Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognized subject to the rendering of administrative advice and assistance by a mandatory until such a time as they are able to stand alone. The wishes of these communities must be a principle consideration in the selection of the Mandatory. (3)

5. Other peoples, especially those of Central Africa, are at such a stage that the Mandatory must be responsible for the administration of the territory under conditions which will guarantee freedom of conscience and religion, subject only to the maintenance of public order and morals, the prohibition of abuses such as the slave trade, the arms traffic, and the prevention of the establishment of fortifications or military and naval bases and of military training of the natives for other than police purposes and the defense of the territory and will also secure equal

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1. Wilson's Fourth Draft, Supplementary Agreement, I, paragraph 2.
 2. Wilson's Fourth Draft, Supplementary Agreement I, paragraph 3.
 3. Wilson's Fourth Draft, Supplementary Agreement II, paragraph 1.

opportunities for the trade and commerce of the other members of the League. (1)

6. There are territories, such as South-West Africa and certain of the South Pacific Islands, which, owing to the sparseness of their population, or their small size, or their remoteness from centres of civilization or their geographical contiguity to the territory of the Mandatory, and other circumstances, can be best administered under the laws of the Mandatory as integral portions of its territory, subject to the safeguards above mentioned in the interests of the indigenous population. (2)

7. In every case of mandate, the Mandatory shall render to the Council an annual report in reference to the territory committed to its charge. (3)

8. The degree of authority, control or administration to be exercised by the Mandatory shall, if not previously agreed upon by the Members of the League, be explicitly defined in each case by the Council. (4)

9. A permanent Commission shall be constituted to receive and examine the annual reports of the Mandatories and to advise the Council on all matters relating to the observance

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1. Wilson's Fourth Draft, Supplementary Agreement II, paragraph 2.
 2. Same, paragraph 3.
 3. Wilson's Fourth Draft, Supplementary Agreement, III, paragraph 1.
 4. Wilson's Fourth Draft, Supplementary Agreement, III, paragraph 2.

of the mandates. (1)

Article 23.

Subject to and in accordance with the provisions of international conventions existing or hereafter to be agreed upon, the Members of the League;

- (a) will endeavor to secure and maintain fair and humane conditions of labour for men, women, and children, (2) both in their own countries and in all countries to which their commercial and industrial relations extend, and for that purpose will establish and maintain the necessary international organizations; (3)
- (b) undertake to secure just treatment of the native inhabitants of the territories under their control;
- (c) will entrust the League with the general supervision over the execution of agreements with regard to the traffic in women and children, and the traffic in opium and other dangerous drugs;
- (d) will entrust the League with the general supervision of the trade in arms and ammunition with the countries in which the control of this traffic is

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1. Wilson's Fourth Draft, Supplementary Agreement, III, paragraph 3.
 2. "men, women, and children", Wilson's suggestion in sixth meeting.
 3. Idea of this in Wilson's Fourth Draft, Supplementary Agreement, X.

necessary in the common interest; (1)

(e) will make provision to secure and maintain freedom of communications and of transit and equitable treatment for the commerce of all Members of the League. (2) In this connection the special necessities of the regions devastated during the war of 1914-1918 shall be borne in mind; (3)

(f) will endeavor to take steps in matters of international concern for the prevention and control of disease. (4)

Article 24.

1. There shall be placed under the direction of the League all international bureaus already established by general treaties if the parties to such treaties consent. All such international bureaus and all commissions for the regulation of matters of international interest hereafter constituted shall be placed under the direction of the League. (5)

2. In all matters of international interest which are regulated by general conventions but which are not placed under the control of international bureaus or commissions, the Secretariat of the League shall, subject to the consent of

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1. ~~2~~ Hurst-Miller Draft, Article 16.
 2. Hurst-Miller Draft, Article 20.
 3. This sentence proposed by Wilson in seventh meeting. The British amendment which made this an article of five paragraphs was adopted at the thirteenth meeting.
 4. Proposed to the drafting committee by House.
 5. Idea in this paragraph found in Smuts' "Practical Suggestions."

the Council and if desired by the parties, collect and distribute all relevant information and shall render any other assistance which may be necessary or desirable. (1)

3. The Council may include as a part of the expenses of the Secretariat the expenses of any bureau or commission which is placed under the direction of the League. (2)

Article 25.

The Members of the League agree to encourage and promote the establishment and cooperation of duly authorized voluntary national Red Cross organizations having as purposes the improvement of health, the prevention of disease and the mitigating of suffering throughout the world. (3)

Article 26.

1. Amendments to this Covenant will take effect when ratified by the Members of the League whose Representatives compose the Council and by a majority of the Members of the League whose Representatives compose the Assembly. (4)

2. No such amendment shall bind any Members of the League which signifies its dissent therefrom, but in that case it shall cease to be a Member of the League. (5)

1. Proposed by the British at the thirteenth meeting.
2. Also proposed by British at thirteenth meeting.
3. Wording by Miller, presented at fifteenth meeting.
4. This amendment was supported mainly by the British and was worded carefully by Miller to fit the constitutions of the United States and other countries. Cecil asked that "majority" be used instead of "three-fourths" at the thirteenth meeting.
5. This amendment was added at fifteenth meeting to satisfy Brazil and Portugal.

SUMMARY

One of the popular fallacies of post-war history has been that of giving the credit for the creation of the League of Nations to Woodrow Wilson. Although he wrote five drafts for the covenant he acted more as an editor than as an author of the famous document. Many writers, however, agree that if it had not been for his untiring work that the League would not have become a part of the Treaty of Versailles. It is the purpose of this thesis to show of what his contributions consisted.

Wilson's early interests were in the field of congressional government. When he became president his reforms were considered radical. This was especially true of his foreign policy. Even though the idea of a League of Nations was a natural out-growth of these policies his interest in the problem did not develop until after the beginning of the war.

As early as 1910 societies were organized in the United States to promote some means of insuring permanent peace in the world. These early societies studied to provide some peaceful means of settling international disputes. Those that were formed after the war had begun concentrated their efforts on the problem of making peace after the war and of setting up some effective agency to maintain peace. Among the prominent persons in this country who were working in these organ-

izations were Theodore Roosevelt and William Howard Taft. During the early years of the World War Colonel E. M. House, acting as President Wilson's confidential advisor, made a number of trips to Europe to try to find some way of bringing about peace between the belligerents.

It was not until the beginning of the war in Europe that President Wilson gave any indication of his interest in an organization for peace. He publicly committed himself to the idea of a League of Nations in May 1916 and after that time he referred to the idea in all of his important speeches.

In March 1918 the English Government appointed a committee to draft a constitution for a League of Nations. This plan, known as the Phillimore Report, was sent to the heads of governments in Europe and America.

Mr. Wilson considered this plan insufficient and asked Colonel House to draft a "Covenant" embodying their ideas. After receiving the draft from Colonel House Mr. Wilson wrote his First Draft. He incorporated many of the ideas of the Phillimore Report and the House Draft. He provided for a permanent secretariat, qualified guarantees of territorial independence, disarmament, obligatory arbitration of disputes and the use of force against a state that went to war. His Second Draft, written in Paris after he had studied Smuts' Practical Suggestion, was different in that he dropped compulsory arbitration, adopted the idea of an Executive

Council, the plan for mandates, the sanction of an ipso facto war and added provisions for the welfare of labor and for religious freedom. General Bliss, Mr. Lansing and Mr. Miller offered suggestions which resulted in minor changes in the Third Draft. Wilson realized that he still had not satisfied everyone so he wrote a Fourth Draft. This one included as new material the mandates resolution adopted by the Council of Ten.

Although the President's Fourth Draft was not used as the basis for discussions in the Commission meetings many of his articles were written into the Hurst-Miller Draft which was used. President Wilson acted as chairman of this commission of nineteen members. The commission held fifteen meetings. In the first ten the Draft of the Covenant was read through three times, article by article. Discussion followed the reading, amendments were submitted, suggestions were made. As a rule discussion centered upon the wording of the articles or matters equally routine. Really important differences were worked out in small meetings between the commission meetings. Questions which aroused debate were those relating to the representation of the smaller powers on the Council of the League, the maintenance of a military force under the control of the League, and the racial equality amendment submitted by the Japanese. After the tenth meeting of the commission the Covenant was presented to the Peace

Conference. At the same time it was given to the rest of the world. There were many criticisms, those of greatest importance came from the United States Senate. Upon the President's return to Paris he complied with their demands and asked the commission to include an article recognizing the Monroe Doctrine and an amendment providing for withdrawal from the League. These were included after prolonged discussions. The Covenant in its final form was then presented to the Peace Conference to be included in the Versailles Treaty as Part One.

Woodrow Wilson wrote very little of the Covenant of the League of Nations. He edited the ideas of others trying to bring together the best opinions of everyone. Much of the phrasing of the document is his. He was a careful writer and delighted in the correct use of words. As chairman of the commission he was firm and fair in his decisions. He refused to be diverted from the main issues. He believed in the League and was determined that it should be an integral part of the peace treaty. He used the force of his personality and his high position as President of the United States to accomplish that end.

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