

THE QUESTION OF THE RECOGNITION OF THE REPUBLIC OF TURKEY BY THE UNITED STATES

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The relations between the Republic of Turkey and the United States today are more than friendly. Today there is a very close cooperation between the two peoples in their determination to further the cause of peace with justice. This article does not purport to deal with the present day friendly relations but rather intends to expose a grim page in the chapter of the relations between the republic of Turkey and the United States of America.

American minority groups always have been able to exercise a tremendous influence on the foreign policy of the United States Government. This was particularly so during 1920's with respect to the Government's policy toward the Middle East. The problem of the recognition of the Republic of Turkey is a good example of the influence of minority groups upon the United States Government. At this time the United States Government was entering into the intrecasies of the Middle Eastern politics. It was evident at that time that anti-Turkish feeling, created by some minorities in the United States, was a determining factor in formulating the United States policy toward Turkey. Ironically, this anti-Turkish feeling was converted into Christianity v. Islam. A sort of religious war was fought over the problem of the recognition of the New Turkish Government.

DIPLOMATIC RELATIONS BETWEEN THE OTTOMAN EMPIRE AND THE UNITED STATES APRIL 20, 1917 TO MARCH, 16, 1920

Diplomatic relations between the Ottoman Empire and the United States continued uninterruptedly until April 20, 1917. This

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was the date on which the Ottoman Empire decided to rupture its diplomatic relations with the United States, for the latter had declared war on Germany, the Ottoman Empire's ally in the First World War. The United States Secretary of State was informed of the Ottoman Government's decision. (1) The considerable investment of Americans in missionary, educational, philanthropic and commercial enterprises in Turkey apparently influenced the decision of the United States Government not to declare war on the Ottoman Empire. (2)

The Ottoman Empire and its allies lost the war, and on October 30, 1918, Turkish and British representatives signed an armistice agreement at Mudros. (3) All Ottoman possessions in Arabia, Syria, Iraq and Africa were placed under Allied military control, the Straits were to be open and the Dardanelles and Black Sea fortifications to be occupied by the Allies, who were also given the right (by the notorious Article 7) to occupy any strategic point in the event of threat to Allied security. (4). On November 13, 1918, an Allied fleet of sixty vessels dropped anchor at Istanbul. Admiral Calthrope explained to the Ottoman Government that no occupation of the capital was intended, that the purpose of the fleet was to fight the Bolsheviks in Russia. The following day, Allied troops began to disembark, but the Allies were careful to avoid using the word «occupation.»

The question of Turkish-American relations and of a United States representative at Istanbul was taken up in Washington after the Amistice. It was decided not to reestablish diplomatic relations with Turkey immediately. However, on November 30,

(1) *American Journal of International Law* (Supplement), «Diplomatic Correspondence between the United States and Belligerent Governments Relating to Neutral Rights and Commerce.» V.II (October, 1917), p. 375.

(2) Henry P. Bears, *U.S. Naval Detachments in Turkish Waters: 1919-1924* (U.S. Navy Department, June, 1943) p. 3.

(3) Ali Türkgeldi, *Mondros ve Mudanya Mütarekelerinin Tarihi* (Ankara: Güney Matbaacılık ve Gazetecilik T.A.O., 1948), p. 64.

(4) J. C. Hurewitz; *Diplomacy in the Near and Middle East* (New York: D. Van Nostrand Co., 1956), V. II, pp. 36-37. See also unpublished Ph.D. thesis, Metin Tamkoç, *Legal Aspects of the Allied Occupations of the Ottoman Empire Following the Armistice of Mudros October 30, 1918*, Georgetown University, Washington D.C., 1960.

1918, the Secretary of State, Robert Lansing, instructed Lewis Heck, the former Turkish Secretary of the American Embassy at Istanbul, then in Switzerland, to return to Istanbul with the rank of Commissioner. In this instruction to Mr. Heck, the Acting Secretary of State, Fank L. Polk, wrote the following on January 21, 1919:

In instructing you to return to Constantinople in capacity of Commissioner, Department merely desired to have official representative stationed at Constantinople from whom it could receive information of interest and importance. Inasmuch as Swedish Legation continue to handle diplomatic affairs of this Government, it is not necessary that you should have at present any official relations with Turkish Government. (5)

Lewis Heck was informed that his mission was not identical with the Allied High Commissioners' sent to Istanbul at the end of the war by Governments at war with the Ottoman Empire. The Ottoman Government by this time was at the mercy of the Allied troops in the capital, and the situation was so hopeless for the Ottoman Government that it was not in a position to oppose stationing of an American representative not even, as later events had shown, to protest the stationing of American war vessels in the Bosphorus. After Lewis Heck, Gabriel Bie Ravndal, who was the American Consul General at Istanbul before the breaking of diplomatic relations with Turkey, was asked to go to Istanbul for the purpose of reestablishing the American Consulate General there. His instructions, dated March 5, 1919, read in part:

...You and other consular officer are sent in purely consular capacity without exequatur subject to permission to act being granted by the **de facto** authorities in control and with the express understanding that your resumption of duties with regard to American commerce should have no political significance or be regarded as a recognition of the rightfulness of control of such local authorities. (6)

(5) United States, Department of State, *Papers Relating to the Foreign Relations of the United States* (Washington: Government Printing Office, 1934), V, I, 1919, p. 811.

(6) *Ibid.*

Again on May 3, 1919, in his instruction to Ravndal, Acting Secretary Polk, assigned him to assume the title of American Commissioner at Istanbul and perform official duties and also to improve his relations with Allied representatives. He continued:

[Redacted lines]

You will bear in mind that at the rupture of diplomatic relations between Turkish Government and the United States still continues, and that you are not a diplomatic officer accredited to Turkey. (7)

On January 8, 1919, Rear Admiral Mark Lambert Bristol was assigned to duty as Senior United States Naval Officer in Turkey. (8) In August, 1919, Admiral Bristol was appointed American High Commissioner by the President of the United States with instructions, dated August 28, 1919, to be guided by the instructions previously given to Commissioner Heck and Ravndal. (9) In communicating this instruction to Admiral Bristol, Secretary of State Lansing stated that Mr. Ravndal and other consular representatives of the United States would be directed to report to him and place themselves under his direction. After the appointment of Admiral Bristol to the position of High Commissioner the connection of the Swedish Legation with American affairs ceased. Admiral Bristol maintained both a diplomatic and a naval staff in the American Embassy. To the former were attached several secretaries, a commercial attaché. Thus American interests in Turkey were being protected by the American diplomatic representatives. They were conducting official business under the protection of the Allied military and naval forces occupying the capital.

(7) *Ibid.*

(8) Admiral Bristol was a veteran of thirty-six years service in the Navy. He served as United States representative on the Allied Commission in Belgium to enforce naval terms of Armistice with Germany. He served as Senior U. S. Representative and High Commissioner in Turkey until August 6, 1923. In December, 1923, he negotiated an agreement with Turkey for the settlement of claims. In 1925, the State Department was willing to part with his service, but President Coolidge requested him to continue, believing that his influence and experience would be helpful to American interests. In March, 1927, he was relieved from his post, the assignment which he had expected to endure for only a few months. From 1927 to 1929, he was commander-in-chief of the U.S. Asiatic Fleet. For next three years he acted as the Chairman of the General Board of the Navy Department. After his retirement in 1932, he engaged in private business in Washington D.C., until his death in 1939. Bears, *op.cit.*, pp. 4,29.

(9) Green Haywood Hackworth, *Digest of International Law* (Washington: Government Printing Office, 1940), V. IV, p. 311.

Since the diplomatic relations between the Ottoman Empire and the United States were severed the presence of American officials in the Ottoman capital was a violation of the principles of international law.

At the end of 1918, every statesman in the Western World was scheming how to drive the Ottoman Empire out of existence. President Wilson was one of the most important figures in this project. On many occasions he publicly stated his wish to see the Turks driven out of European Turkey including the capital city of the Empire. The Intelligence Section of the American Delegation of the Paris Peace Conference in its tentative recommendations for President Wilson, put on paper the real intentions of the Allies. In these recommendations we read that «there be established in the Constantinople region an internationalized State,» «there be established an Armenian state,» «there be established a Turkish Anatolian state.» In connection with the latter this document reads as follows :

Not the least of its assets would be freedom from the burden of governing alien peoples of different faith, whose oppression by the Turks has reacted upon him morally and politically, with well-known evil effects. (10)

Moral and material support for the establishment of an Armenian state was very extensive on the part of the Allies. In his message to the American Commission to Negotiate Peace, at Paris, the Secretary of State Lansing on August 16, 1919, wrote the following:

The President desires Turkish authorities be warned that should they not take immediate and efficacious measures to prevent any massacres or other atrocities being perpetrated by Turks, Kurds or other Moslems against Armenians in the Caucasus or elsewhere, then all support concerning a secure sovereignty over the Turkish portions of the present Ottoman Empire, under Article XII of the peace terms, will be withdrawn, and such withdrawal might result in the ab-

(10) Hurewitz, *op.cit.*, p. 1. 4

(11) *U.S. Department of State, Papers Relating to the Foreign Relations of the United States* (Washington: Government Printing Office, 1934), V. I, 1919, p. 836.

solute dissolution of the Turkish Empire and a complete alteration of the condition of peace. (11)

This message, a sort of ultimatum to the Turks, was also sent to the American High Commissioner at Istanbul and it was delivered by him to the Grand Vezir Damat Ferit Pasha. After visiting the Caucasus region in the summer of 1919, Admiral Bristol returned from his trip strongly convinced that the Armenian Republic which had been set up there during the war should remain part of Turkey and that from the national point of view there was no such thing as Armenia. (12)

Again in the summer of 1919, an American Military Mission, under the leadership of Colonel William N. Haskell, was organized under the authority of President Wilson, and was instructed to «investigate and report on political, military, geographical, administrative, economic and other considerations involved in possible American interests and responsibilites,» in the Eastern part of Turkey. While at Sivas the members of the American Military Mission held a conference with Mustafa Kemal Pasha. In its report to the Secretary of State, on October 16, 1919, the Military Mission wrote the following:

In the statement given out on October 15th, Mustapha Kemal said, «The Nationalist Party recognizes the necessity of the aid of an impartial foreign country. It is our aim to secure the development of Turkey as she stood at the Armistice... After all our experience we are sure that America is the only country able to help us. We guarantee no new Turkish violence against the Armenians will take place. (13)

Furthermore, the President of the National Congress of Sivas, Mustafa Kemal, on September 9, 1919, sent to the President of the Senate of the United States a message, in which he said:

The National Congress of Sivas, this day, by unanimous vote, requests the Senate of the United States of America to send a committee of its members to visit all confines of the Ottoman Empire for the purpose of investigating with the clear vision of a disinterested nation conditions as they actually are in the Ottoman Empire

(12) Bears, *op.cit.*, p. 17.

(13) U.S. Department of State, *op.cit.*, p. 836.

before permitting the arbitrary disposal of the peoples and territories of the Ottoman Empire by a treaty of peace. (14)

→ This message and the conferences between the American Military Mission and the chiefs of the Turkish Nationalist Movement were the first unofficial contacts between the Turkish Nationalist leaders and the United States.

In the eyes of the leaders of the Nationalist Movement, the Ottoman Government in Istanbul was unable to protect the rights of the Turkish people and was an instrument of the Allies. As a result of the formal occupation of Istanbul by the Allied military forces on March 16, 1920, the Nationalist leader Mustafa Kemal declared that, as of March 16, 1920, the Ottoman Government ceased to exist, «and an end has been made of the seven hundred years' life and sovereignty of the Ottoman Empire.» (15)

THE POLICY OF THE UNITED STATES IN RECOGNIZING NEW GOVERNMENTS AND THE NATIONALIST GOVERNMENT OF ANKARA

At the beginning of the 20th century, the United States 'had held that governments were ripe for recognition when they were (1) effectively administering the country and (2) in a position to fulfill their international obligations. Occasionally the principle of the «acceptance by the people» was also applied in recognizing new governments. (16)

In the 1920's the United States Government gave for one of the reasons for its refusal to recognize the Soviet Government the fact that it denied self-determination to the Russian people in violation of the principles of democracy. But in these years, there occurred a shift in the emphasis of the test of recognition of new governments; the

(14) *Ibid.*, p. 859.

(15) Gazi Mustafa Kemal, *Nutuk* (İstanbul: Devlet Basimevi, 1938), p. 300.

(16) Hersh Lauterpacht, *Recognition in International Law* (Cambridge: Cambridge University Press, 1948), p. 131.

principle of «acceptance by the people» became impracticable due to the fact that in Europe and elsewhere various totalitarian governments were established. Therefore another principle was considered as a test for recognizing new governments, namely «long-continued acquiescence of the people» of their governments. Thus the United States Government's recognition of other governments depended on the facts rather than the «constitutionality» of the particular regime.

The recognition of the Armenian Government, established in the eastern part of Turkey, by the United States, in 1920, took priority over the recognition of the Government of the Republic of Turkey. Due to its importance for Turkey a brief account of this event seems appropriate.

In America one of the strong supporters of the Armenian cause was Senator William Henry King of Utah. Senator King and his friends from March 1920, until January 1928, continued their fight for the independence of Armenia. During this period Senator King introduced many resolutions in the Senate supporting the Armenian cause. In one of his resolutions, dated March 3, 1920, he accused the Ottoman Turks of massacring millions of Armenians and Greeks, he disqualified the Ottoman Turks to exercise political authority over Christian peoples, and predicted that there could be no peace in Eastern Europe and Asia until the political authority of the Turks be eliminated from Europe and from the «ancient and proper territory of Armenia, comprising the six vilayets designated in the Armistice with the Turks.» Senator King made the following remark after he introduced his resolution.

The Christian nations in everywhere believed that one of the fruits of the Great War would be the overthrow of the Turkish Government and the extermination of its political power in Europe and the emancipation of the Armenia from the tyranny and cruel oppression of the Turkish Empire. (17)

The following developments must be viewed in the light of the anti-Turkish sentiment in America. Leland J. Gordon illustrates this sentiment in these words:

(17) U.S. Congress, *Congressional Record*, Senate, 66th Cong., 2nd Sess. (Washington: Government Printing Office, 1920), V. 59, Part 4, pp. 3792-3795.

In past years in the United States the word «Turkey» has connoted massacres and mystery. There was probably no other nation in the world which Americans had less information or more misinformation. It is doubtful if there is a single American who has not read of the «unspeakable Turk» and who has not been amazed awestruck at the blood-curling accounts of his cruelty.

As the decline of the Ottoman Empire developed into a rapid descent and the European strangle-hold grew tighter and tighter Czar Nicholas I coined the phrase «the Sick Man of Europe»... There was scant sympathy when European Powers began to devide the spoils, and the deliberate carving of Turkey in 1920 was viewed with equanimity. The rallying cry to kick Turks out of Europe obtained almost universal support in America. (18)

On April 23, 1920, the Secretary of State Colby officially informed the representative of the Armenian Republic, that the Government of the United States as of April 23, 1920, recognized the *de facto* Government of the Armenian Republic. This action was taken, however, with the understanding that this recognition in no way predetermined the territorial frontiers. (19) On April 27, 1920, the Allied Supreme Council sent a note to President Wilson and proposed a United States mandate over Armenia and requested him to arbitrate the boundary problem and also asked military and financial aid for Armenia.

1920 was an election year in America. The two contesting political parties had somewhat different attitudes in foreign affairs. The Republican Party, then in opposition was against the United States participation in the League of Nations, and was following an isolationist policy. This was evident also in the problem of mandate over Armenia. The Republican Party Convention at Chicago adopted the Party's platform on June 8, 1920. In connection with the Armenian problem, the platform read:

We condemn President Wilson for asking Congress to empower him to accept a mandate for Armenia. We commend the Republican Senate for refusing the Pre-

(18) Leland J. Gordan, *American Relations with Turkey: 1830-1930* (Philadelphia: University of Pensilvannia Press, 1932), p. 3.

(19) U.S. Department of State, *op.cit.*, 1920, V. III, p. 752.

sidents' request to empower him to accept the mandate for Armenia. The acceptance of such a mandate would throw the United States into the very maelstrom of European quarrels. According the estimates of the Harvard Commission organized by authority of President Wilson, we could be called upon to send 59,000 American boys to police Armenia and to expend \$ 276,000,000 in the first year and \$ 756,000,000 in five years. This estimate is made upon the basis that we would have only roving bands to fight, but in case of serious trouble with the Turks or with Russia, a force exceeding 200,000 would be necessary.

No more striking illustration can be found of President Wilson's disregard of the lives of American boys or of American interests. (20)

The Republican Party platform also expressed sympathy for the Armenian people, however, it said, «the Republican Party will oppose now and hereafter the acceptance of a mandate for any country in Europe and Asia. (21)

On the other hand the Democratic Party's platform of June 28, 1920, expressed sympathy for the «unfortunate people of Armenia» and pledged its support and help in their «effort to establish and maintain a government of their own.» (22)

On November 22, 1920, President Wilson in his letter to the President of the Supreme Council of the Allies enclosed his arbitral decision respecting the boundary between Turkey and Armenia.

On the same day when the Armenian Republic was recognized by the United States the Grand National Assembly of Turkey met for the first time in Ankara on April 23, 1920, and established its Government. The Government of the Grand National Assembly had all the prerequisites for its recognition. It came into existence by the will of the people, gave promise of permanence which was

(20) Kirk H. Porter and Donald B. Johnson, *National Party Platforms: 1840-1956* (Urbana: The University of Illinois Press, 1956), p. 321.

(21) *Ibid.*

(22) *Ibid.*, p. 222.

(23) U.S. Congress, *Congressional Record*, Senate, 68th Cong., 1st Sess. (Washington: Government Printing Office, 1924), V. 65, part 6, p. 5390.

proven by later events, and was able and willing to fulfill its international obligations.

In investigating the **Congressional Records** of 1919 to 1927 one finds to his amazement the amount of telegrams and messages the Senators, who were defending the rights of minorities in Turkey, received from so-called Greek-American veterans, Armenian-Americans and other religious groups. During his campaign for the presidency, Warren G. Harding on October 24, wrote:

You may be assured that to do my just part to further the righteous cause of the Greek nation and the splendid element of citizenship it has contributed to our country, I will continue to help in every possible way, as I have done in the Senate for the last two years. (23)

Two years later, on November 8, 1922, President Harding gave assurance that everything would be done «to protect the Armenian people and preserve to them the rights which the Serves Treaty undertook to bestow.» (24)

During this time the Turkish War of Independence was practically over. By the Treaty of Gümrü, December 3, 1920, the Communist Government of Armenia, installed at Erivan by the Bolsheviks, had ceded Kars and Ardahan to the Government of the Grand National Assembly of Turkey. The Convention of Mudania, concluded on October 11, 1922, between the Ankara Government and the Allies had provided for the return of Eastern Thrace and Edirne to Turkey.

When the Turkish Army recaptured the city of Izmir on September 9, 1922, the American Consul General at Izmir requested instruction from the State Department as to his «relations if any with the Kemalist military or civilian authorities». (25) The Acting Secretary of State William Philips in his reply wrote:

You will bear in mind that our Government recognizes the existing regime neither in Greece nor in Asia Minor, and that diplomatic relations with the Sublime Port have not been resumed. Nevertheless for practical reasons it will be advantageous for you to remain unofficially at your post as an American Council with-

(24) *Ibid.*, part 10, p. 10292.

(25) U.S. Department of State, *op.cit.*, 1922, V. II, p. 147.

out exequator and as a delegate of the High Commissioner at Constantinople. Vice Council Imbrie has a similar status at Angora, and in case of necessity you will so remind local authorities. (26)

In its first note to the American High Commissioner, the Government of Grand National Assembly, on August 31, 1922, protested against the atrocities committed by Greek Army during its retreat in Anatolia and requested the High Commissioner to bring these atrocities to the attention of the United States Government. In this reply Admiral Bristol, on September 8, 1922, wrote the following:

...I am convinced that this is the greatest opportunity that Turkey has had to show the world that a new regime has been established and is successfully maintaining the highest principles of civilization and humanity.... the public opinion of the world is hanging in the balance and will swayed one way or the other according to the attitude of the combatants in present struggle, be they Greek or Turk. (27)

The Secretary of State of the Republican Administration, Charles Evan Hughes, had approved the reply of Admiral Bristol to the Turkish note, and had instructed him to lose no opportunity in urging the necessity of protection of the Christian minorities and abstention by the Turkish army from reprisals.

The Government of the United States was not yet ready at this time to recognize the *de facto* existence of the Government of the Grand National Assembly at Ankara. It sought to protect the American capitulatory rights and Turkish minorities by pressing the puppet Ottoman Government at Istanbul. It seems appropriate at this point to pause, for a while, to see who formulated and applied the United States' foreign policy in relation to the affairs of the Near East in the years between 1920-1927. Under the Democratic Administration of President Wilson, who sat in Washington and drew the new map of Turkey and recognized the Armenian Republic, three men served as Secretaries of State: Robert Lansing from June 1915 to February 1920; Frank

(26) *Ibid.*

(27) *Ibid.*, p. 938.

Lyon Polk from February 1920 to March 1920; Bainbridge Colby from March 1920 to March 1921.

During the Republican Administration of Presidents Warren G. Harding and Calvin Coolidge, the Secretary of State was Charles Evan Hughes, who entered the duty on March 5, 1921, and upon whose retirement on March 4, 1925, Frank Billings Kellogg became the Secretary of State and stayed in office until March 4, 1929.

Due to the fact that Joseph C. Grew, the Under Secretary of State from April 16, 1924 to June 30, 1927, was appointed the first United States Ambassador accredited to the Republic of Turkey, and before his appointment to this post participated in the negotiations which culminated in the signing of the Turc-American Treaty of Lausanne, it is important to note a brief sketch of his biography. Mr. Grew was born in Boston, Massachusetts on May 27, 1880; graduated from Groton School in 1898, from Harvard University in 1902; from George Washington University in 1926, where he received his LL.D; his first assignment in the Foreign Service was Cairo, in the American Consulate General; appointed Third Secretary of the Embassy at Petrograd on May 7, 1907. Then he served in the American Embassies in Berlin, Vienna. In 1917 he became the Acting Chief of Western European Division in the State Department. Appointed Envoy Extraordinary and Minister Plenipotentiary to Switzerland on September 24, 1921; acted as unofficial observer on the part of the United States at Lausanne Peace Conference from November 20, 1923 to July 1923; empowered by the President to negotiate, conclude and sign a Treaty of General Relations and on Extradition Treaty with Turkey on April 29, 1923; appointed Under-secretary of State and on May 19, 1927, appointed Ambassador Extraordinary and Plenipotentiary to Turkey. (28)

The Division of the Near Eastern Affairs in the State Department was established on December 13, 1909. The Register of the Department of State shows that in December 1921 there were only one Acting Chief, three officials and three clerks in the Division. It is noteworthy, however, that one of the officials in the Division, Arshag K. Schmavonian, was an Armenian-American, the other member of the Division, Harry G. Dwight was born in Turkey of

(28) *Register of the Department of State*, January 1, 1928 (Washington: Government Printing Office, 1928), p. 143.

American parents. During this time Warren D. Robbinson was acting Chief. He was succeeded by Allen W. Dulles on April 14, 1922. He remained at this post until April 1926.

The United States had not been concerned with the rivalries of other European powers which have so often made the Near East the theater of war. Following President Wilson's death and the repudiation of the Treaty of Vesailles, the United States withdrew altogether from world politics, thereby leaving the Near East to its own devices. Subsequent American interest in the area was of sporadic nature. The United States, in its concentration on economic and humanitarian issues as the only ones which seemed to matter, insisted on and defended the principle of the Open Door not in the mandated territories alone but throughout the Near East. Minority groups and their spokesman in the Senate, on the other hand, were waging a war which was fought and lost in the Middle Ages, i.e. Christianity v. Islam. In order to protect the American interests the Government of the United States decided to send observers to the Lausanne Conference.

AMERICAN INTERESTS IN TURKEY AND SIGNING OF A GENERAL TREATY AND EXTRADITION TREATY BETWEEN THE UNITED STATES AND TURKEY

The Government of the United States in its *Aide Memoire* to the Governments of Great Britain, France and Italy, dated October 27, 1923, indicated that the United States was neither at war with Turkey nor a party to the armistice of 1918 and did not desire to participate in the final peace negotiations or to assume responsibility for political and territorial adjustments which may be effected, but showed its desire to send observers to the proposed conference to safeguard the United States' interests. These were: 1 - the maintenance of capitulations which may be essential to the appropriate safeguarding on non-Moslem interests; 2 - the protection, under proper guaranties, of philanthropic, educational, religious institutions; 3 - appropriate undertakings in regard to the freedom of opportunity, without discrimination or special privilege, for commercial enterprise; 4 - indemnity for losses suffered by Americans in Turkey as a result of arbitrary or

illegal acts; 5 - suitable provisions for the protection of minorities; 6 - assurance touching the freedom of the Straits; 7 - reasonable opportunity for archeological research and study. ~~8~~

Richard W. Child, American Ambassador to Italy, was designated as head of the American delegation at the first phase of the Lausanne Conference which was convened on November 22, 1922. The American High Commissioner at Istanbul, Admiral Bristol, United States Minister to Switzerland, Joseph C. Grew, Lammont Belin, Copley Amory, Harry G. Dwight, Lewis Heck and Julian Gillespie were the other members of the American delegation.

It was quickly seen that the success of the Lausanne Conference centered about the solution of the capitulatory problem. The Allied representatives were determined to secure the reestablishment of capitulations. The American observers threw full weight of their influence in favor of the maintenance of capitulations. The Turkish delegation, headed by Ismet Pasha, on the other hand, were as determined as the Allies to secure the formal recognition of the abolition of capitulations. The Turkish representatives remained firm in their insistence that the capitulatory treaties were lawfully denounced upon the ground that the conditions under which they were concluded had changed in essential respects. Thus the first phase of the Conference reached a deadlock.

During the second phase of the Lausanne Conference the head of the Turkish delegation, Ismet Pasha, exhibited strong desire to enter into treaty relations with the United States. He argued that an early settlement with the Allies would be promoted by a prior agreement with the United States. He wanted to restore diplomatic relations under a treaty of friendship and commerce, which would be supplemented by declaratory pledges from the Turkish Government offering protection of American missions and schools in accordance with Turkish law and guaranteeing fair treatment of Americans in trade and in the courts. (29) Ismet Pasha in his letter to Mr. Grew on May 5, 1923, proposed immediate negotiations for treaties of amity, reciprocal consular relations and conditions of residence for respective nationals, and commerce.

In his message to the Secretary of State, while transmitting Ismet Pasha's letter, Mr. Grew asked authorization from the State

(29) U.S. Department of State, *op.cit.*, 1923, V. II, p. 897.

Department to acknowledge it, because he said, «I realize that my reply may be regarded as an important communication». (30) On May 9, Secretary of State gave authorization, and on May 24, provided Mr. Grew with full powers to negotiate and sign the treaties of amity and commerce with the Turkish representatives. On June 1, Ismet Pasha agreed with the principles proposed by Mr. Grew, namely: Resumption of consular and diplomatic relations; reciprocal most-favored-nation treatment, with acceptance of abrogation of capitulations; provisions for naturalization; and settlement of questions concerning claims. (31)

Secretary of State Hughes in his letter to Mr. Grew, on July 10, instructed him to make representations to Ismet Pasha for the conclusion of the treaty before the adjournment of the Lausanne Conference. In this connection he wrote:

It is apparent that Turkey will benefit more than will the United States by a resumption of formal relations between the two countries, but if our negotiation can be brought to a satisfactory conclusion this Government would be disposed to come to a prompt agreement with Turkey for the resumption of diplomatic and consular relations, and to give recognition *de jure*, which is implied in those relations and which should be of the greatest assistance to Turkey in reestablishing her relations with other countries. (32)

The United States and Turkey signed two separate treaties on August 6, 1923, which will be referred to hereafter as the Treaty of Lausanne. The first article of the General Treaty reads as follows:

Each of the High Contracting Parties agrees to receive within its territory the diplomatic officers of the other party. They shall be accorded, on condition of reciprocity, treatment as favorable as that which is or shall be accorded to the diplomatic officers of any other country in conformity with the principles of international law. (33)

(30) *Ibid.*, p. 1056.

(31) *Ibid.*, p. 1057.

(32) *Ibid.*

(33) *Ibid.*, p. 1153. The second treaty was the Treaty of Extradition. These two treaties should not be confused with the Peace Treaty of Lausanne of July 24, 1923, signed between the Allied Powers and the Government of the Grand National Assembly of Turkey.

According to the letter of Secretary of State Hughes, which is quoted above, the resumption of diplomatic relations between the two countries could be established only as a result of satisfactory conclusion of the negotiations of the proposed treaty; and by resuming the diplomatic relations with Turkey, the United States would be giving *de jure* recognition to the Government of the Grand National Assembly of Turkey.

International law recognizes that treaties become binding not upon the signature of the diplomatic agents who have concluded them but upon subsequent exchange of ratifications of the agreements by the governments of the states party to the treaty. Ratification itself, in general, is an executive act, performed by the head of the state, announcing the formal acceptance of the treaty. But before the head of the state take such an action, many constitutions require the consent of the legislature. In the United States, the advice and consent of a two-thirds majority of the Senate is required. Therefore, the General Treaty between the United States and Turkey could be binding only after the «advice and consent» of the Senate of the United States and the «approval» of the Grand National Assembly of Turkey. Now let us see what becomes of the Treaty of Lausanne in the United States Senate.

OPPONENTS AND ADVOCATES OF THE TREATY OF LAUSANNE IN THE UNITED STATES

1 — **Opponents of the Treaty of Lausanne:** As soon as the Treaty was signed the Greek and Armenian minority groups in the United States increased their campaign against the Turks in general and against the Treaty in particular. Committees opposing the ratification of the Treaty were established. Pamphlets, and booklets published by minority organizations applied pressure on the general public for the denunciation of the Treaty.

Among the foremost opponents of the Treaty were: The American Committee for Independence of Armenia, headed by James W. Gerard, ex-Ambassador to Germany, which published a booklet under the title of **The Lausanne Treaty and Kemalist Turkey**; and the American Committee Opposed to the Lausanne Treaty, headed by David Hunter Miler, which published articles and books advocating that the United States reject the Treaty. The Central

Committee of the Greek Loyalist League of America, Greek Orthodox Churches, Episcopal Church headed by Bishop Cannon, Tampa Union of Christian Endeavor Societies and others were very active in denouncing the Treaty.

Here is a cross section of the views of the opponents: Albert B. Hart, Professor of Government at Harvard University had thought that it was a mistake for the United States to sign a treaty with Turkey. In this connection he wrote:

The hard, solid mistake of the Treaty is, first, that it ideals with Turkey as a responsible nation of civilized people; and, second, that it will have no influence in preventing wars in which Turkey will be a party, and which in savageness and danger to civilization will make an Armenian revolt seem as only a picnic... They (Turks) have been a dreadful curse to Asia Minor and Europe.

...They profess a religion which has, for twelve hundred years, been the greatest enemy of Christianity... It is not conceivable that the few million Turks can build up a state that is competent to stand alongside Europe either in peace or war... The Turks have no place in Europe nor in the circle of civilized nations. (34)

Oscar S. Straus, ex-Ambassador to Turkey, called the Treaty «the best one sided bargain in international treaty making,» and continued:

They treat proposes that Americans shall have the same rights in Turkey as the natives. The irony of this is that the natives have no right. And what has Turkey hitherto done with agreements? She has never kept one and does not know how to. We would be better off without any agreement with Turkey at all.... If the Senate ratifies this treaty we will be thrown into maelstrom of Europe. (35)

In their collective memorandum 107 eminent Americans, who had sent it to Senators and government officials, were of the

(34) The American Committee for the Independence of Armenia, *The Lausanne Treaty and Kemalist Turkey* (New York: 1924), pp. 7-11.

(35) *Ibid.*, p. 46.

opinion that, 1 - the treaty was morally indefensible, humiliating, and purposeless, 2 - it surrendered all and every American right in Turkey, 3 - it ignored American pledges to Armenia, 4 - Turks have always broken their early promises, 5 - there were factional armed conflicts and hopeless economic chaos in Turkey, 6 - the task which the Turkish Government was undertaking was impossible to accomplish, 7 - the downfall of the Kemalist regime was inevitable and imminent. (36) Among the signatories of this memorandum there were 20 university presidents 13 editors, 8 bishops, 8 ex-ambassadors, 5 governors, 5 professors, 2 ex-chairmen of the Democratic National Committee, 2 members of the American Military Mission to Armenia. The Democratic Party's 1924 national election platform had this to say about the Treaty of Lausanne:

We condemn the Lausanne Treaty. It barters legitimate American rights and betrays Armenia for Chester Oil Concessions.

We favor the protection of American rights in Turkey and the fulfilment of President Wilson's arbitral award respecting Armenia. (37)

2 — Advocates of the Treaty of Lausanne : The Republican Administration, after signing the Treaty tried its best to have the Treaty be approved by the Senate. Secretary of State Charles E. Hughes, in his letter to Senator Henry Cabot Lodge, dated May 5, 1924, gave the description of the negotiations which led up to the conclusion of the Treaty, and outlined the considerations which led to the belief that American interests could be served by the prompt approval of the Treaty by the Senate. He also explained the United States Government's views about the Republic of Turkey when he said:

The fact that the Turkish Government has during the last nine months maintained and consolidated its position is **prima facie** evidence of stability.... According to his (Admiral Bristol's) report the Turkish Government is stable, is in control of the country and is believed to be in a position to assume on behalf of Turkey, and to carry out, international obligations.

(36) U.S. Congress, *Congressional Record*, Senate, 68th. Cong., 1st Sess. (Washington: Government Printing Office, 1924), V 65, part 10, p. 10295.

(37) Porter and Johnson, *op.cit.*, p. 250.

Further the constitutional changes which have taken place in Turkey during the last nine months, the separation of church and state, the adoption of a new constitution, and the establishment of a republic have indicated a desire on the part of Turkey to modernize its institutions, and thereby to facilitate an administration of law more in conformity with western ideas of justice. (38)

Joseph C. Grew, the Under Secretary of State, in his letter to Senator Charles Curtis, dated May 20, 1926, transmitted the views of the United States Government about the Treaty of Lausanne. According to these: 1 - the old treaties with Turkey could not effectively protect the American interests, 2 - since the United States was not willing to go to war with Turkey in order to retain the capitulations, there was no use of talking about them, 3 - all Americans in Turkey were in favor the Treaty, 4 - the rejection of the Treaty would reduce the American influence in Turkey, any opportunity to give moral support to the minorities would be lost, 5 - it was impossible, except by going into war, to detach from Turkey any territory for an Armenian State and the United States was not under any obligation, legal or moral, to do so. With respect to the Turkish Government the letter mentioned above reads:

Opinion regarding modern Turkey may differ but this has nothing to do with ratification of the Treaty. If there was no ethical improbity in our having formal diplomatic relations with the Government of Abdul-Hamid and of the Young Turks, why should this improbity be considered to exist now? Certainly, the Turkey of Mustapha Kemal Pasha is not worse than the Turkey of Abdul-Hamid and or the Young Turks. (39)

During this controversial issue, i.e., the ratification of the Treaty of Lausanne, American Foreign Policy Association, General Committee of American Institutions and Associations in Favor of the Ratification of the Treaty with Turkey, and Council on Turkish-American Relations (40) supported the view that the prompt

(38) U.S. Department of State, *op.cit.*, 1924, V. II, p. 721.

(39) U.S. Department of State, *op.cit.*, 1926, V. II, p. 981.

(40) See The Council on Turkish-American Relations, *The Treaty with Turkey: Why it Should be Ratified* (New York: 1926).

ratification of the Treaty of Lausanne would serve the best interests of the United States and of the peoples of the Near East. In January 1926, a petition was sent to the Chairman of the Senate Committee on Foreign Relations, bearing the signatures of 104 Americans in Turkey, asking that the Senate approve the Treaty. Their reasons for this were similar to the view of the United States Government.

3 — The Senate and the Treaty: As a result of the strong opposition against the Treaty of Lausanne, it took almost a year for the Treaty to reach the Senate. The reason for this delay was to wait for a more favorable atmosphere in the Senate for the consideration of the Treaty. However, as soon as President Coolidge transmitted the Treaty to the Senate on May 3, 1924, the foremost opponents of the Treaty, Senator William H. King of Utah, and Senator Claude A. Swanson of Virginia, renewed their attacks against the Treaty. Senator King on March 17, 1925, declared:

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I do not think it compatible with the dignity or interest of the United States that our Government should have diplomatic relations with a government which refuses to discharge its international obligations or fails to protect the property and lives of American nationals within the territory subject to its jurisdiction. The hands of Turks have been stained with blood of millions of innocent people. Turkey has sought the extermination of Armenian race and the destruction of all Hellenic people within its borders. There are not more than 5,000,000 Turks now under Kemalist regime. They are ignorant, fanatical, and filled with an implacable hatred of all Christian peoples. (41)

Senator King, Swanson, Robinson, Blease and others won a victory on January 18, 1927, when the Senate after an executive session, rejected the Treaty of Lausanne, by a vote of fifty in favor and thirty-four against, just six vote short of the two-thirds majority required by the Constitution. Owing to the fact that the Treaty was discussed in secret executive session, the reason for its rejection has not been definitely disclosed. It is evident, how-

(41) U.S. Congress, *Congressional Record*, Senate, 69th Cong., 1st Sess (Washington: Government Printing Office, 1925), V. 67, part 1, p. 296.

ever, that the opposition was based principally on two grounds: the abolition of capitulations by the Turkish Government and the Armenian question. On the very same day, Representative Upshow made the following remarks in the House of Representatives:

The treaty is the consummation of the subtle diplomacy of a dictator as cruel as Tamerlane, as vicious as Ivan the Terrible, and as infamous as Genghis Khan on his pyramid of human skulls. This monster exacted from a war-weary world a diplomatic agreement which reflects dishonor upon every civilized nation that was a party to it. Everywhere it was heralded as a «Turkish victory». And after inducing the parliaments of the Old World to accept it, big business, cold commercialism, and even some representatives of the so-called religion united in trying to induce America to part from her lofty ideals by making Turkey an international guest at the table of the civilized nations. (42)

Another member of the Western civilized nations answers to these charges in these terms:

The fact is that American people have been misinformed and blinded by a propaganda against the Turk, a manipulation of press and pulpit, which has seldom been equaled in audacity of untruth dexterity of misrepresentation... A characteristic example of the determination of the Allies to hide from the world anything which might arouse sympathy for the Turks was the suppression of the report of the international commission (which included the American General Summerville) sent to Smyrna to investigate the atrocities committed by the Greek army when it occupied that city in May 1919. Though the Allies had published and broadcast accounts of the excesses committed by the Turks, they refused to let the world know what had been done to Turks by Christians. (43)

(42) U.S. Congress, *Congressional Record*, House, 69th Cong., 2nd Sess (Washington: Government Printing Office, 1927), Vol. 68, part 2, p. 1881.

(43) E. Alexander Powel, *The Struggle for Moslem Power in Asia* (New York: Century Co., 1932), quoted in *The Treaty with Turkey: Why it Should be Ratified*, p. 117. Also see High Commissioner Bristol to Department of State, «The Proceedings of the Inter-Allied Commission of Inquiry on Greek Occupation of Smyrna and District,» October 21 1919. U.S. National Archives, Turkey, File No. 763.72119/7787.

RECOGNITION OF THE REPUBLIC OF TURKEY BY THE THE UNITED STATES

The failure of the United States Senate to give its «advice and consent» to the Treaty of Lausanne of August 6, 1923, and consequently its non ratification by the President, did not create an unhappy feeling on the part of the Turkish Government. It seems that the Turkish Government, by this time, did not have the fear of the possibility of the reestablishment of the capitulations, for it had already achieved stability and had established its place firmly in the community of nations. Therefore it made no difference to the Turkish Government whether the Treaty with the United States were ratified or not. The reason for this attitude seems to be that the Treaty of Lausanne was more favorable to the United States than any treaty that Turkey had signed with other countries. In his conversation with the American Ambassador to Turkey, Joseph C. Grew, the Turkish Foreign Minister, on November 3, 1927, had said that the United States obtained these advantages because the Treaty of Lausanne was one of the first bilateral treaties to be negotiated by the Turkish Government, and that while Turkey was glad to have the Treaty as a symbol of friendship with the United States, and therefore considered its moral effect of great importance, nevertheless, from a technical point of view, Turkey would be just as happy if it were never ratified. (44)

However, pending the ratification of the Lausanne-Treaty, the American High Commissioner Admiral Bristol and the Turkish Foreign Minister Tevfik Rüştü had signed a *Modus - Vivendi* according mutual most-favored-nation treatment in customs matters for a period of six months, on February 17, 1926, at Ankara. This was extended for another six months on July 20, 1926. (45)

Secretary of State, Kellogg, in his instructions to Admiral Bristol, on January 18, 1927, asked him to confer at Ankara with the Turkish Prime Minister and Foreign Minister, and explain to them the reasons for the Senate's refusal to give its consent to

(44) Joseph C. Grew, *Turbulent Era* (Boston: Houghton Mifflin Co., 1952), p. 746.

(45) U.S. Department of State, *op.cit.*, 1926, V. II, pp. 999-1000.

the Treaty between the two countries and the United States' desire in maintaining friendly relations with Turkey. Secretary Kellogg also asked Admiral Bristol to endeavor to ascertain the views of the Turkish Government with regard to taking one or a combination of the following steps: 1 - an exchange of notes providing for (a) the maintenance of the status quo with regard to the treatment of Turkish in the United States and the treatment of Americans in Turkey, and (b) a resumption of diplomatic relations; 2 - an exchange of notes which shall accord mutual unconditional most-favored-nation treatment in customs matters to be followed, as a separate and further step, by resumption of diplomatic relations; 3 - a resumption of diplomatic relations without previous exchange of notes. While reminding Admiral Bristol that these inquiries were to be wholly personal and informal, Secretary of State, in the same instructions wrote:

You should state that the present non-capitulatory regime in Turkey has twice been formally, although by implication, recognized by the Government of the United States, through an exchange of notes, February 17, 1926, and July 20, 1926. (46)

The American High Commissioner Admiral Bristol, on behalf of his Government, negotiated the regularization of relations between the two countries, with the Turkish Foreign Minister Tevfik Rüştü. At the end of these negotiations Admiral Bristol on February 17, 1927, made the following statement:

The United States and Turkey are agreed to establish between themselves diplomatic and consular relations, based on the principles of international law, and to proceed to the appointment of Ambassadors as soon as possible. They further agreed that their diplomatic and consular representatives shall enjoy, on the basis of reciprocity in the territory of the other the treatment recognized by the general principles of public international law. (47)

As a result of the exchange of notes on February 17, 1927, the Government of the United States and the Government of the Republic of Turkey resumed their diplomatic relations and by

(46) U.S. Department of State, op.cit., 1927, V. III, pp. 767-768.

(47) Ibid., p. 794.

this act only, as will be explained shortly, the Government of the United States formally recognized the new regime in Turkey.

The Under Secretary of State Joseph C. Grew was designed as the first American Ambassador to Turkey by the President of the United States on May 9, 1927. And on May 19, 1927 the Turkish Government gave its agreement to the designation of Mr. Grew. (48) The President of the United States, on May 20, 1927, appointed Mr. Grew as the United States Ambassador to the Republic of Turkey. A week later the United States Government agreed to the appointment of Muhtar Bey as Ambassador of Turkey in the United States. (49)

AN ANALYSIS OF THE ACTION OF THE UNITED STATES IN RECOGNIZING THE REPUBLIC OF TURKEY

Recognition of a state or a government by another state is essentially a matter of intention. The mode by which it is accomplished can be varied. It is necessary, however, that the act constituting recognition shall give a clear indication of an intention, to treat with the new state as such, or to accept the new government as having authority to present the state it purports to govern and to maintain diplomatic relations with it.

Recognition may be said to be express when a definite and explicit statement is made to that effect; is implicit when the older member of the community of nations enters into official intercourse with the new member. It is generally agreed that the conclusion of bilateral treaties constitutes recognition. Nevertheless, the question whether a treaty constitutes an act of recognition may often depend upon its subject matter. Generally speaking, a treaty, regulating, more or less permanently, relations of a

(48) *Ibid.*, p. 803.

(49) *Ibid.*, p. 804. It is interesting to note that when Mr. Grew arrived at Istanbul on September 8, 1927, his appointment was not yet confirmed by the Senate. The Senate confirmed the appointment on April 6, 1928. The supporters of Mr. James Gerard and the American Committee opposed to the Lausanne Treaty were able to exercise pressure which held up the confirmation for almost eleven months. The Turkish Ambassador Muhtar Bey, on the other hand, arrived at Washington from New York on November 29, 1927, under police protection. See Grew, *op.cit.*, p. 772 and 748.

general character between states usually constitutes an act of recognition. Peace treaties also fall into this category. The exchange of ratification is necessarily a sufficient indication of recognition. As to the stage prior to the ratification of treaties, the indication is not so clear, whether recognition is accorded or not.

In the case of the recognition of the Republic of Turkey by the United States, we have found that there was no express announcement on the part of the Government of the United States to this effect. Consequently we must dwell on the implied recognition. The Government of the United States, it seems, intended to recognize the Government of the Grand National Assembly of Turkey by the resumption of diplomatic relations. However, the circumstance which have given rise to the conclusion of treaties of 1830 and 1874 have been drastically changed in Turkey (50) and consequently deprived the old agreements of their reason of existence. Therefore, a new treaty needed for the resumption of diplomatic relations.

According to Green H. Hackworth, formerly legal advisor of the Department of State, the Treaty of Lausanne constituted the recognition of the Government of the Republic of Turkey. He writes:

The signing of the treaty peace and of a treaty of extradition on August 6, 1923, at Lausanne... constituted recognition of that Government (The Government of Turkey). (51)

With regard to the Treaty of Lausanne the Department of State issued the following statement:

While these treaties (The General Treaty and the Treaty of Extradition) have not been ratified by either country, this department considers that signing of the treaties in behalf of the United States without reservation, together with the intention of this Government at the time to reestablish relations with Turkey, constitute formal recognition by this Government of

(50) See Dr. Akdes Nimet Kurat, *Türk-Amerikan Münasebeilerine Kısa Bir Bakış*: (1800-1959), p. 14 and following.

(51) Green, H. Hackworth; *Digest of International Law*, (Washington: Government Printing Office, 1940, V. 1, p. 312. It seems to be a mistake on the part of Judge Hackworth to call the Treaty of Lausanne of August 6, 1923, a peace treaty.

«The Government of the Grand National Assembly of Turkey» as from August 6, 1923.

The Department consider that the present Government of the Republic of Turkey is a continuation of the Government of the Grand National Assembly of Turkey. (52)

Mainly on two grounds one, as to the mode of recognition, and two, as to the time of recognition of the Government of the Republic of Turkey, the views of the Department of State cannot be accepted. As it is indicated earlier, the purpose and the subject matter of the Treaty of Lausanne of August 6, 1923, was to regularize the relations of the two contracting parties and to facilitate the resumption of diplomatic relations between the two countries. It is our contention that in order to reach to this state of affairs the ratification of the said Treaty by the constitutional procedure of the two countries was necessary; otherwise, the Treaty could not be binding and could not be enforced by the executive branches of the two Governments. Since the Treaty was not ratified, it never came into force. Therefore the Government of the United States was not in a position to implement its intention of resuming diplomatic relations with Turkey. On the other hand, if the United States Government had real «intention» to resume its diplomatic relations with the Government of Turkey and thereby recognize the new regime in Turkey it could do so by an express declaration. The fact of the matter is that up until February 1927, the Department of State on various occasions stated that the United States had no intention of recognizing the Ankara Government. The unofficial United States representatives, maintained in various parts of Turkey to protect American interests, in their dealings with the Turkish Government officials stressed the point that these contacts were of «personal» and of «informal» nature. Pressure from the opponents of the Lausanne Treaty in the Senate, and the vigorous campaigns of the powerful minority and religious groups directed against the Turks in general and the non-capitulatory new Ankara Government in particular might have led the officials of the Department of State to think that the Turkish Government did not owe its existence to the will of the people, nor did it give promise of permanence and was unable and unwilling to fulfill its international obligations. Consequently, the Go-

(52) *Ibid.*, The date of this statement is July 9, 1932.

overnment of the United States, it seems, was not in a position, up until 1927, to take a bold decision, as it did in 1948 in recognizing the State of Israel in 24 hours following its birth, and recognize the Ankara Government. Furthermore, after the Treaty of Lausanne of August 6, 1923, an important change in the governmental system of Turkey had been accomplished: the Republic was proclaimed on October 29, 1923. The United States Government did not, even implicitly, acknowledge the change.

If we assume that the United States Government had recognized the Ankara Government as from August 6, 1923, how can we interpret the following statement of the Secretary of State of the United States, in which he says:

...The present non-capitulatory regime in Turkey has **twice** been formally, although by implication, recognized by the Government of the United States, through an exchange of notes, February 18, 1926, and July 20, 1926. (53)

This statement completely contradicts the previous statement as to the time of recognition. Furthermore, can the same Turkish Government be recognized twice within six months? This exchange of notes refers to the two *Modus - Vivendi* which were related to the commerce between the two countries. A temporary agreement with an unrecognized government is compatible with the principles of international law; however, these may not necessarily be interpreted as according recognition. The following case is in view: «The Soviet-Hungarian Agreement of July 28, 1920, and the Soviet-French Agreement of 1920, contained important political clauses equivalent to a treaty of non-intervention and non-aggression. Yet neither France nor Hungary considered that recognition was implied therein.» (54) The two *Modus - Vivendi* of 1926, can not, because of their contents, constitute the recognition of the Republic of Turkey by the United States.

And finally, if we accept the date, August 6, 1923, as the date of recognition of the new regime in Turkey by the United States, the following remark and statement will again contradict the view

(53) U.S. Department of State, *op.cit.*, 1927, V. III., p. 768.

(54) Ti-Chian Chen, *The International Law of Recognition* (New York: Frederick A. Praeger Inc., 1951), p. 194.

of the Department of State. In this connection we read the following in Hackworth's Digest of International Law:

During the course of negotiations between the United States and Turkey looking toward a resumption of diplomatic relations, the Minister of Foreign Affairs of Turkey expressed a doubt that it was possible under international law to accredit Ambassadors through an exchange of note. The High Commissioner having requested instructions concerning this matter, the Department of State replied..... While the opinion that diplomatic relations and treaty relations are not interdependent, the United States would, however, in deference to the point of view of Turkey, be prepared to accomplish the resumption of diplomatic and consular relations in a protocol or in an exchange of notes. (55)

It must be remembered that the date of these negotiations was February 1927. This again proves the point of view that the United States up until February, 1927, had not recognized the Government of the Republic of Turkey.

It can safely be said that the United States extended recognition to the Government of the Republic of Turkey as from February 17, 1927, the date of the exchange of notes, after almost ten years since the Ottoman Government severed its relations with the Government of the United States.

(55) Hackworth, *op.cit.*, p. 173.