

all rights and interests possessed by Japan or her subjects within the territory of Manchukuo by virtue of Sino-Japanese treaties, agreements or other arrangements or of Sino-Japanese contracts, private as well as public;

"2. Japan and Manchukuo, recognizing that any threat to the territory or to the peace and order of either of the High Contracting Parties constitutes at the same time a threat to the safety and existence of the other, agree to co-operate in the maintenance of their national security; it being understood that such Japanese forces as may be necessary for this purpose shall be stationed in Manchukuo.

"The present protocol shall come into effect from the date of its signature.

"The present protocol has been drawn up in Japanese and Chinese, two identical copies being made in each language. Should any difference arise in the interpretation between the Japanese and Chinese texts, the Japanese text shall prevail.

"In witness whereof the undersigned, duly authorised by their respective Governments, have signed the present protocol and have affixed their seals thereto.

"Done at Hsinking, this fifteenth day of the Ninth month of the Seventh year of Showa, corresponding to the fifteenth day of Ninth month of the First of Tatung.

"(L.S.) NOBUYOSHI MUTO,

Ambassador Extraordinary and Plenipotentiary of His Majesty the Emperor of Japan.

"(L.S.) CHENG HSIAO-HSU,

Prime Minister of Manchukuo.

Anerkennung der Sowjetregierung durch die Vereinigten Staaten von Amerika

(Zu dem Aufsatz von Makarov, oben S. 1 ff.)

Briefwechsel zwischen dem Präsidenten der Vereinigten Staaten, Roosevelt, und dem Volkskommissar für Auswärtige Angelegenheiten der UdSSR, Litvinov.¹⁾

1. Aufnahme diplomatischer Beziehungen.

The White House.

Washington, Nov. 16, 1933.

My dear Mr. Litvinov:

I am very happy to inform you that as a result of our conversations the Government of the United States has decided to establish normal diplomatic relations with the Government of the Union of Soviet Socialist Republics and to exchange Ambassadors.

I trust that the relations now established between our peoples may forever remain normal and friendly, and that our nations henceforth may cooperate for their mutual benefit and for the preservation of the peace of the world.

¹⁾ New York Times, November 18th, 1933.

I am, my dear Mr. Litvinov,

Very sincerely yours,

FRANKLIN D. ROOSEVELT.

Mr. Maxim M. Litvinov, People's Commissar for Foreign Affairs, Union of Soviet Socialist Republics.

Washington, Nov. 16, 1933.

My dear Mr. President:

I am very happy to inform you that the Government of the Union of Soviet Socialist Republics is glad to establish normal diplomatic relations with the Government of the United States and to exchange Ambassadors.

I, too, share the hope that the relations now established between our peoples may forever remain normal and friendly, and that our nations henceforth may cooperate for their mutual benefit and for the preservation of the peace of the world.

I am, my dear Mr. President,

Very sincerely yours,

MAXIM LITVINOFF,

People's Commissar for Foreign Affairs, Union of Soviet Socialist Republics.
Mr. Franklin D. Roosevelt, President of the United States of America, the White House.

2. Nicht-Intervention und Propaganda.

Washington, Nov. 16, 1933.

My dear Mr. President:

I have the honor to inform you that coincident with the establishment of diplomatic relations between our two governments it will be the fixed policy of the Government of the Union of Soviet Socialist Republics:

1. To respect scrupulously the indisputable right of the United States to order its own life within its own jurisdiction in its own way and to refrain from interfering in any manner in the internal affairs of the United States, its territories or possessions.

2. To refrain, and to restrain all persons in government service and all organizations of the government or under its direct or indirect control, including organizations in receipt of any financial assistance from it, from any act overt or covert liable in any way whatsoever to injure the tranquillity, prosperity, order, or security of the whole or any part of the United States, its territories or possessions, and, in particular, from any act tending to incite or encourage armed intervention, or any agitation or propaganda having as an aim the violation of the territorial integrity of the United States, its territories or possessions, or the bringing about by force of a change in the political or social order of the whole or any part of the United States, its territories or possessions.

3. Not to permit the formation or residence on its territory of any organization or group — or of representatives or officials of any organization or group — which makes claim to be the government of, or makes attempt upon the territorial integrity of, the United States, its territories or possessions; not to form, subsidize, support or permit on its territory military organizations or groups having the aim of armed struggle against the United States, its

territories or possessions and to prevent any recruiting on behalf of such organizations and groups.

4. Not to permit the formation or residence on its territory of any organization or group — and to prevent the activity on its territory of any organization or group, or of representatives or officials of any organization or group — which has as an aim the overthrow or the preparation for the overthrow of, or bringing about by force of a change in, the political or social order of the whole or any part of the United States, its territories or possessions.

I am, my dear Mr. President,

Very sincerely yours,

MAXIM LITVINOFF,

People's Commissar for Foreign Affairs, Union of Soviet Socialist Republics.
Mr. Franklin D. Roosevelt, President of the United States of America, the
White House.

The White House.

Washington, Nov. 16, 1933.

My Dear Mr. Litvinov:

I am glad to have received the assurance expressed in your note to me of this date that it will be the fixed policy of the Government of the Union of Soviet Socialist Republics:

[*Folgt der Wortlaut des voranstehenden Schreibens vom 16. Nov.*]

It will be the fixed policy of the Executive of the United States within the limits of the powers conferred by the Constitution and the laws of the United States to adhere reciprocally to the engagements above expressed.

I am, my dear Mr. Litvinov,

Very sincerely yours,

FRANKLIN D. ROOSEVELT.

Mr. Maxim M. Litvinov, People's Commissar for Foreign Affairs, Union of
Soviet Socialist Republics.

3. Religionsfreiheit für die Amerikaner in der UdSSR.

The White House.

Washington, Nov. 16, 1933.

My Dear Mr. Litvinov:

As I have told you in our recent conversations, it is my expectation that after the establishment of normal relations between our two countries many Americans will wish to reside temporarily or permanently within the territory of the Union of Soviet Socialist Republics, and I am deeply concerned that they should enjoy in all respects the same freedom of conscience and religious liberty which they enjoy at home.

As you well know, the Government of the United States, since the foundation of the Republic, has always striven to protect its nationals, at home and abroad, in the free exercise of liberty of conscience and religious worship, and from all disability or persecution on account of their religious faith or worship. And I need scarcely point out that the rights enumerated

below are those enjoyed in the United States by all citizens and foreign nationals and by American nationals in all the major countries of the world.

The Government of the United States, therefore, will expect that nationals of the United States of America within the territory of the Union of Soviet Socialist Republics will be allowed to conduct without annoyance or molestation of any kind religious services and rites of a ceremonial nature, including baptismal, confirmation, communion, marriage and burial rites, in the English language, or in any other language which is customarily used in the practice of the religious faith to which they belong, in churches, houses or other buildings appropriate for such service, which they will be given the right and opportunity to lease, erect or maintain in convenient situations.

We will expect that nationals of the United States will have the right to collect from their co-religionists and to receive from abroad voluntary offerings for religious purposes; that they will be entitled without restriction to impart religious instruction to their children, either singly or in groups, or to have such instruction imparted by persons whom they may employ for such purpose; that they will be given and protected in the right to bury their dead according to their religious customs in suitable and convenient places established for that purpose, and given the right and opportunity to lease, lay out, occupy and maintain such burial grounds subject to reasonable sanitary laws and regulations.

We will expect that religious groups or congregations composed of nationals of the United States of America in the territory of the Union of Soviet Socialist Republics will be given the right to have their spiritual needs ministered to by clergymen, priests, rabbis or other ecclesiastical functionaries who are nationals of the United States of America, and that such clergymen, priests, rabbis or other ecclesiastical functionaries will be protected from all disability or persecution and will not be denied entry into the territory of the Soviet Union because of their ecclesiastical status.

I am, my dear Mr. Litvinov,

Very sincerely yours,

FRANKLIN D. ROOSEVELT.

Mr. Maxim M. Litvinov, People's Commissar for Foreign Affairs, Union of Soviet Socialist Republics.

Washington, Nov. 16, 1933.

My dear Mr. President:

In reply to your letter of Nov. 16, 1933, I have the honor to inform you that the Government of the Union of Soviet Socialist Republics as a fixed policy accords the nationals of the United States within the territory of the Union of Soviet Socialist Republics the following rights referred to by you:

1. The right to "free exercise of liberty of conscience and religious worship" and protection "from all disability or persecution on account of their religious faith or worship."

This right is supported by the following laws and regulations existing in the various republics of the Union:

Every person may profess any religion or none. All restrictions of rights connected with the profession of any belief whatsoever, or with the non-profession of any belief, are annulled. (Decree of Jan. 23, 1918, Art. 3.)

Within the confines of the Soviet Union it is prohibited to issue any local laws or regulations restricting or limiting freedom of conscience, or establishing privileges or preferential rights of any kind based upon the religious profession of any person. (Decree of Jan. 23, 1918, Art. 2.)

2. The right to "conduct without annoyance or molestation of any kind religious services and rites of a ceremonial nature."

This right is supported by the following laws:

A free performance of religious rites is guaranteed as long as it does not interfere with public order and is not accompanied by interference with the rights of citizens of the Soviet Union. Local authorities possess the right in such cases to adopt all necessary measures to preserve public order and safety. (Decree of Jan. 23, 1918, Art. 5.)

Interference with the performance of religious rites, in so far as they do not endanger public order and are not accompanied by infringements on the rights of others, is punishable by compulsory labor for a period up to six months. (Criminal Code, Art. 127.)

3. "The right and opportunity to lease, erect or maintain in convenient situations" churches, houses or other buildings appropriate for religious purposes.

This right is supported by the following laws and regulations:

Believers belonging to a religious society with the object of making provision for their requirements in the matter of religion may lease under contract, free of charge, from the subdistrict or district executive committee or from the Town Soviet, special buildings for the purpose of worship and objects intended exclusively for the purposes of their cult. (Decree of April 8, 1929, Art. 10.)

Furthermore, believers who have formed a religious society or a group of believers may use for religious meetings other buildings which have been placed at their disposal by private persons or by local Soviets and executive committees. All rules established for houses of worship are applicable to these buildings. Contracts for the use of such buildings shall be concluded by individual believers who will be held responsible for their execution. In addition, these buildings must comply with the sanitary and technical building regulations. (Decree of April 8, 1929, Art. 10.)

The place of worship and religious property shall be handed over for the use of believers forming a religious society under a contract concluded in the name of the competent district executive committee or Town Soviet by the competent administrative department or branch, or directly by the subdistrict executive committee. (Decree of April 8, 1929, Art. 15.)

The construction of new places of worship may take place at the desire of religious societies, provided that the usual technical building regulations and the special regulations laid down by the People's Commissariat for Internal Affairs are observed. (Decree of April 8, 1929, Art. 45.)

4. "The right to collect from their co-religionists * * * voluntary offerings for religious purposes."

This right is supported by the following law:

Members of groups of believers and religious societies may raise subscriptions among themselves and collect voluntary offerings, both in the place of worship itself and outside it, but only among the members of the religious association concerned and only for the purposes connected with upkeep of the place of worship and the religious property, for the engagement

of ministers of religion and for the expenses of their executive body. Any form of forced contribution in aid of religious associations is punishable under the Criminal Code. (Decree of April 18, 1922, Art. 54.)

5. "Right to impart religious instruction to their children either singly or in groups or to have such instruction imparted by persons whom they may employ for such purpose."

This right is supported by the following law:

The school is separated from the church. Instruction in religious doctrines is not permitted in any governmental and common schools, nor in private teaching institutions where general subjects are taught. Persons may give or receive religious instruction in a private manner. (Decree of Jan. 23, 1918, Art. 9.)

Furthermore, the Soviet Government is prepared to include in a consular convention to be negotiated immediately following the establishment of relations between our two countries provisions in which nationals of the United States shall be granted rights with reference to freedom of conscience and the free exercise of religion, which shall not be less favorable than those enjoyed in the Union of Soviet Socialist Republics by nationals of the nation most favored in this respect. In this connection I have the honor to call to your attention Article 9 of the treaty between Germany and the Union of Soviet Socialist Republics, signed at Moscow Oct. 12, 1925, which reads as follows:

"Nationals of each of the contracting parties * * * shall be entitled to hold religious services in churches, houses or other buildings rented, according to the laws of the country, in their national language or in any other language which is customary in their religion. They shall be entitled to bury their dead in accordance with their religious practice, in burial grounds established and maintained by them with the approval of the competent authorities, so long as they comply with the police regulations of the other party in respect of buildings and public health."

Furthermore, I desire to state that the rights specified in the above paragraphs will be granted American nationals immediately upon the establishment of relations between our two countries.

Finally, I have the honor to inform you that the Government of the Union of Soviet Socialist Republics, while reserving to itself the right of refusing visits to Americans desiring to enter the Union of Soviet Socialist Republics on personal grounds, does not intend to base such refusals on the fact of such persons having an ecclesiastical status.

I am, my dear President,

Very sincerely yours,

MAXIM LITVINOFF,

People's Commissar for Foreign Affairs, Union of Soviet Socialist Republics.
Mr. Franklin D. Roosevelt, President of the United States of America, the White House.

4. *Allgemeine Rechtsstellung der Amerikaner und ihre Stellung im Strafverfahren in der UdSSR.*

Washington, Nov. 16, 1933.

My Dear Mr. President:

Following our conversations I have the honor to inform you that the Soviet Government is prepared to include in a consular convention to be

negotiated immediately following the establishment of relations between our two countries provisions in which nationals of the United States shall be granted rights with reference to legal protection which shall not be less favorable than those enjoyed in the Union of Soviet Socialist Republics by nationals of the nation most favored in this respect. Furthermore, I desire to state that such rights will be granted to American nationals immediately upon the establishment of relations between our two countries.

In this connection I have the honor to call to your attention Article II and the protocol to Article II of the agreement concerning conditions of residence and business and legal protection in general concluded between Germany and the Union of Soviet Socialist Republics on Oct. 12, 1925.

Article II.

Each of the contracting parties undertakes to adopt the necessary measures to inform the consul of the other party as soon as possible whenever a national of the country which he represents is arrested in his district.

The same procedure shall apply if a prisoner is transferred from one place of detention to another.

Final Protocol.

Ad Article II.

1. The consul shall be notified either by a communication from the person arrested or by the authorities themselves direct. Such communications shall be made within a period not exceeding seven times twenty-four hours, and in large towns, including capitals of districts, within a period not exceeding three times twenty-four hours.

2. In places of detention of all kinds, requests made by consular representatives to visit nationals of their country under arrest, or to have them visited by their representatives, shall be granted without delay. The consular representative shall not be entitled to require officials of the courts or prisons to withdraw during his interview with the person under arrest.

I am, my dear Mr. President,

Very sincerely yours,

MAXIM LITVINOFF,

People's Commissar for Foreign Affairs, Union of Soviet Socialist Republics.
Mr. Franklin D. Roosevelt, President of the United States of America, the White House.

The White House,

Washington, Nov. 16, 1933.

My Dear Mr. Litvinov:

I thank you for your letter of Nov. 16, 1933, informing me that the Soviet Government is prepared to grant to nationals of the United States rights with reference to legal protection not less favorable than those enjoyed in the Union of Soviet Socialist Republics by nationals of the nation most favored in this respect. I have noted the provisions of the treaty and protocol concluded between Germany and the Union of Soviet Socialist Republics on Oct. 12, 1925.

I am glad that nationals of the United States will enjoy the protection afforded by these instruments immediately upon the establishment of relations between our countries and I am fully prepared to negotiate a consular convention covering these subjects as soon as practicable. Let me add that American diplomatic and consular officers in the Soviet Union will be zealous in guarding the rights of American nationals, particularly the right to a fair and public speedy trial and the right to be represented by counsel of their choice. We shall expect that the nearest American diplomatic or consular officer shall be notified immediately of any arrest or detention of an American national, and that he shall promptly be afforded the opportunity to communicate and converse with such national.

I am, my dear Mr. Litvinov,

Very sincerely yours,

FRANKLIN D. ROOSEVELT.

Mr. Maxim M. Litvinov,

People's Commissar for Foreign Affairs, Union of Soviet Socialist Republics.

5. *Wirtschaftsspionage*

In reply to a question of the President in regard to prosecutions for economic espionage, Mr. Litvinov gave the following explanation:

The widespread opinion that the dissemination of economic information from the Union of Soviet Socialist Republics is allowed only in so far as this information has been published in newspapers or magazines is erroneous. The right to obtain economic information is limited in the Union of Soviet Socialist Republics, as in other countries, only in the case of business and production secrets and in the case of the employment of forbidden methods (bribery, theft, fraud, &c.) to obtain such information. The category of business and production secrets naturally includes the official economic plans, in so far as they have not been made public, but not individual reports concerning the production conditions and the general conditions of individual enterprises.

The Union of Soviet Socialist Republics has also no reason to complicate or hinder the critical examination of its economic organization. It naturally follows from this that every one has the right to talk about economic matters or to receive information about such matters in the Union in so far as the information for which he has asked or which has been imparted to him is not such as may not, on the basis of special regulations issued by responsible officials or by the appropriate State enterprises, be made known to outsiders. (This principle applies primarily to information concerning economic trends and tendencies.)

6. *Forderungen und Gegenforderungen*

Washington, D. C., Nov. 16, 1933.

My Dear Mr. President:

Following our conversation, I have the honor to inform you that the Government of the Union of Soviet Socialist Republics agrees that, preparatory to a final settlement of the claims and counter-claims between the

Governments of the Union of Soviet Socialist Republics and the United States of America and the claims of their nationals, the Government of the Union of Soviet Socialist Republics will not take any steps to enforce any decisions of courts or initiate any new litigations of the amounts admitted to be due or that may be found due it, as the successor of prior governments of Russia, or otherwise from American nationals, including corporations, companies, partnerships or associations, and also the claim against the United States of the Russian Volunteer Fleet, now in litigation in the United States Court of Claims, and will not object to such amounts being assigned and does hereby release and assign all such amounts to the Government of the United States, the Government of the Union of Soviet Socialist Republics to be duly notified in each case of any amount realized by the Government of the United States from such release and assignments.

The Government of the Union of Soviet Socialist Republics further agrees, preparatory to the settlement referred to above, not to make any claim with respect to:

(A) Judgments rendered or that may be rendered by American courts in so far as they relate to property, or rights, or interests therein, in which the Union of Soviet Socialist Republics or its nationals may have had or may claim to have an interest.

(B) Acts done or settlement made by or with the Government of the United States or public officials in the United States, or its nationals, relating to property, credits or obligations of any government of Russia or nationals thereof.

I am, my dear Mr. President,

Very sincerely yours,

MAXIM LITVINOFF,

People's Commissar for Foreign Affairs, Union of Soviet Socialist Republics.
Mr. Franklin D. Roosevelt, President of the United States of America, the
White House.

The White House.

Washington, D. C., Nov. 16, 1933.

My Dear Mr. Litvinoff:

I am happy to acknowledge the receipt of your letter of Nov. 16, 1933, in which you state that:

(Folgt der Wortlaut des voranstehenden Schreibens vom 16. Nov.)

I am glad to have these undertakings by your government and I shall be pleased to notify your government in each case of any amount realized by the government of the United States from the release and assignment to it of the amounts admitted to be due, or that may be found to be due, the government of the Union of Soviet Socialist Republics, and of the amount that may be found to be due on the claim of the Russian Volunteer Fleet.

I am, My Dear Mr. Litvinoff,

Very sincerely yours,

FRANKLIN D. ROOSEVELT.

Mr. Maxim M. Litvinov,
People's Commissar for Foreign Affairs, Union of Soviet Socialist Republics.

Washington, Nov. 16, 1933.

My dear Mr. President:

I have the honor to inform you that, following our conversations and following my examination of certain documents of the years 1918 and 1921 relating to the attitude of the American Government toward the expedition into Siberia, the operations there of foreign military forces and the inviolability of the territory of the Union of Soviet Socialist Republics, the Government of the Union of Soviet Socialist Republics agrees that it will waive any and all claims of whatsoever character arising out of activities of military forces of the United States in Siberia, or assistance to military forces in Siberia subsequent to Jan. 1, 1918, and that such claims shall be regarded as finally settled and disposed of by this agreement.

I am, my dear Mr. President,

Very sincerely yours,

MAXIM LITVINOFF,

People's Commissar for Foreign Affairs, Union of Soviet Socialist Republics.
Mr. Franklin D. Roosevelt, President of the United States of America, the White House.

7. Gemeinsame Erklärung über weitere Verhandlungen.

The White House,
Washington, Nov. 16, 1933.

JOINT STATEMENT BY THE PRESIDENT AND MR. LITVINOV.

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

Mr. Litvinov will remain in Washington for several days for further discussions.

**Zur Praxis der Staaten des amerikanischen Kontinents
hinsichtlich des Asylrechts**

Die zahlreichen politischen Unruhen, die in den letzten Jahren auf dem amerikanischen Kontinent ausgebrochen sind, haben dem dort teils anerkannten, teils abgelehnten Recht des diplomatischen Asyls erhöhte Bedeutung verliehen und mehrere der beteiligten Staaten veranlaßt, ihre Stellung in dieser umstrittenen Frage erneut zu präzisieren ¹⁾.

¹⁾ Über die bisherige Staatenpraxis orientieren gut:

Alcindor, Art. «Asile» bei Lapradelle-Niboyet, Répertoire de droit international Bd. II (Paris 1929) S. 34 ff., 40 ff.; Genet, Traité de Diplomatie et de Droit Diplomatique Bd. I (Paris 1931) S. 550 ff.; Gilbert, The Practice of Asylum in Legations and Consulates of the United States, American Journal of International Law Bd. 3 (1909), S. 562 ff.; Nervo, Le droit d'asile, Académie Diplomatique Internationale, Séances et Travaux