ESTABLISHMENT OF FRIENDLY RELATIONS

Treaty signed at Berlin August 25, 1921
Senate advice and consent to ratification October 18, 1921
Ratified by the President of the United States October 21, 1921
Ratified by Germany November 2, 1921
Ratifications exchanged at Berlin November 11, 1921
Entered into force November 11, 1921
Proclaimed by the President of the United States November 14, 1921

42 Stat. 1939; Treaty Series 658

The United States of America and Germany:

Considering that the United States, acting in conjunction with its co-belligerents, entered into an Armistice with Germany on November 11, 1918, in order that a Treaty of Peace might be concluded;

Considering that the Treaty of Versailles was signed on June 28, 1919, and came into force according to the terms of its Article 440, but has not been ratified by the United States;

Considering that the Congress of the United States passed a Joint Resolution, approved by the President July 2, 1921, which reads in part as follows:

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

"That the state of war declared to exist between the Imperial German Government and the United States of America by the joint resolution of Congress approved April 6, 1917, is hereby declared at an end.

"Sec. 2. That in making this declaration, and as a part of it, there are expressly reserved to the United States of America and its nationals any and all rights, privileges, indemnities, reparations, or advantages, together with the right to enforce the same, to which it or they have become entitled under the terms of the armistice signed November 11, 1918, or any extensions or modifications thereof; or which were acquired by or are in the possession

---

3 42 Stat. 105.
4 40 Stat. 1.
of the United States of America by reason of its participation in the war or
to which its nationals have thereby become rightfully entitled; or which,
under the treaty of Versailles, have been stipulated for its or their benefit; or
to which it is entitled as one of the principal allied and associated powers;
or to which it is entitled by virtue of any Act or Acts of Congress; or otherwise.

“Sec. 5. All property of the Imperial German Government, or its suc-
cessor or successors, and of all German nationals, which was, on April 6,
1917, in or has since that date come into the possession or under control
of, or has been the subject of a demand by the United States of America
or of any of its officers, agents, or employees, from any source or by any
agency whatsoever, and all property of the Imperial and Royal Austro-
Hungarian Government, or its successor or successors, and of all Austro-
Hungarian nationals which was on December 7, 1917, in or has since that
date come into the possession or under control of, or has been the subject
of a demand by the United States of America or any of its officers, agents, or
employees, from any source or by any agency whatsoever, shall be retained
by the United States of America and no disposition thereof made, except as
shall have been heretofore or specifically hereafter shall be provided by law
until such time as the Imperial German Government and the Imperial and
Royal Austro-Hungarian Government, or their successor or successors, shall
have respectively made suitable provision for the satisfaction of all claims
against said Governments respectively, of all persons, wheresoever domiciled,
who owe permanent allegiance to the United States of America and who
have suffered, through the acts of the Imperial German Government, or
its agents, or the Imperial and Royal Austro-Hungarian Government, or
its agents, since July 31, 1914, loss, damage, or injury to their persons or
property, directly or indirectly, whether through the ownership of shares
of stock in German, Austro-Hungarian, American, or other corporations,
or in consequence of hostilities or of any operations of war, or otherwise,
and also shall have granted to persons owing permanent allegiance to the
United States of America most-favored-nation treatment, whether the same
be national or otherwise, in all matters affecting residence, business, pro-
fession, trade, navigation, commerce and industrial property rights, and until
the Imperial German Government and the Imperial and Royal Austro-
Hungarian Government, or their successor or successors, shall have respec-
tively confirmed to the United States of America all fines, forfeitures, penal-
ties, and seizures imposed or made by the United States of America during the
war, whether in respect to the property of the Imperial German Government
or German nationals or the Imperial and Royal Austro-Hungarian Gov-
ernment or Austro-Hungarian nationals, and shall have waived any and all
pecuniary claims against the United States of America.”
Being desirous of restoring the friendly relations existing between the two
Nations prior to the outbreak of war:
Have for that purpose appointed their plenipotentiaries:

The President of the United States of America
ELLIS LORING DRESSEL, Commissioner of the United States of America to
Germany,

and

The President of the German Empire
Dr. FRIEDRICH ROSEN, Minister for Foreign Affairs,

Who, having communicated their full powers, found to be in good and due
form, have agreed as follows:

**ARTICLE I**

Germany undertakes to accord to the United States, and the United States
shall have and enjoy, all the rights, privileges, indemnities, reparations or
advantages specified in the aforesaid Joint Resolution of the Congress of the
United States of July 2, 1921, including all the rights and advantages stipu-
lated for the benefit of the United States in the Treaty of Versailles which
the United States shall fully enjoy notwithstanding the fact that such Treaty
has not been ratified by the United States.

**ARTICLE II**

With a view to defining more particularly the obligations of Germany
under the foregoing Article with respect to certain provisions in the Treaty
of Versailles, it is understood and agreed between the High Contracting
Parties:

(1) That the rights and advantages stipulated in that Treaty for the
benefit of the United States, which it is intended the United States shall have
and enjoy, are those defined in Section 1, of Part IV, and Parts V, VI, VIII,
IX, X, XI, XII, XIV, and XV.\(^8\)

The United States in availing itself of the rights and advantages stipulated
in the provisions of that Treaty mentioned in this paragraph will do so in a
manner consistent with the rights accorded to Germany under such provisions.

(2) That the United States shall not be bound by the provisions of Part I
of that Treaty, nor by any provisions of that Treaty including those men-
tioned in Paragraph (1) of this Article, which relate to the Covenant of the
League of Nations, nor shall the United States be bound by any action taken
by the League of Nations, or by the Council or by the Assembly thereof,
unless the United States shall expressly give its assent to such action.

---

\(^8\) For text, see ante, vol. 2, pp. 107–234.
239–332—71——11
(3) That the United States assumes no obligations under or with respect to the provisions of Part II, Part III, Sections 2 to 8 inclusive of Part IV, and Part XIII of that Treaty.

(4) That, while the United States is privileged to participate in the Reparation Commission, according to the terms of Part VIII of that Treaty, and in any other Commission established under the Treaty or under any agreement supplemental thereto, the United States is not bound to participate in any such commission unless it shall elect to do so.

(5) That the periods of time to which reference is made in Article 440 of the Treaty of Versailles shall run, with respect to any act or election on the part of the United States, from the date of the coming into force of the present Treaty.

**Article III**

The present Treaty shall be ratified in accordance with the constitutional forms of the High Contracting Parties and shall take effect immediately on the exchange of ratifications which shall take place as soon as possible at Berlin.

In witness whereof, the respective plenipotentiaries have signed this Treaty and have hereunto affixed their seals.

Done in duplicate in Berlin this twenty-fifth day of August 1921.

Ellis Loring Dresel

[seal]

Rosen

[seal]