

# Making a State Known Internationally: Charles Pergler's Activities for the Czechoslovak Republic during and after World War I

Jong-Chol An\*

## Abstract

This paper deals with Charles Pergler (1882-1954), who was neglected in academia but was a major figure in the Czechoslovak independence movement in the United States at the time of the First World War as one of the Bohemian National Alliance members, where he ardently promoted its cause, using media, holding conferences, and appealing to the US government. Pergler served in the Czechoslovak Foreign Service and later as a member of that government's parliament. During and after World War I, as Czechoslovakia Ambassador to the US and Japan respectively, he enthusiastically supported the activities of the Czech Legion in former Russian Empire, particularly in Siberia up to 1922. He settled down to teach law in Washington, D. C. and eventually came to Korea in 1946 as a senior legal advisor. Charles Pergler shows a fascinating example of transnational dimension of thoughts and institutional makings, the national independence and legal reform.

**Keywords:** Charles Pergler, Czechoslovakia, Czech Legion, Thomas Masaryk, legal advisor in Korea, Bohemian National Alliance

## 1. Introduction

It is well known that when the Austro-Hungarian Empire disintegrated, following the World War I, Czechoslovakia<sup>1</sup> became independent. However, up to the end of the War, it was not clear whether post-war Europe would be established based upon the demise of the Austro-Hungarian Habsburg Court. The fate of the Empire only became clear when US President Wilson assured the independence of Czechoslovakia in early June 1918.<sup>2</sup> Considering the long subjugation of Bohemia (the Czech lands) under the Habsburg Court since the Thirty Year War (1618-1648), an idea of an independent Czechoslovakia was not well shared even among its own people.<sup>3</sup> At last, the self-determination idea was applied to the defeated Axis Powers, Germany and the Austro-Hungarian Empire. Partially this was due to Bohemian nationalists' activities outside Austrian-Hungarian Empire. In the process of Czech independence, many supporting organizations in the US and western European countries exerted pivotal roles in achieving this desired goal. Particularly, the

Bohemian National Alliance was one of them and thus well noted in existing literature.<sup>4</sup>

In this paper, I want to introduce Charles Pergler (1882-1954), who was an active member of the Bohemian National Alliance and participated enthusiastically in the Czech independence movement. Pergler later became a US citizen and taught at the National University (today's George Washington University) as a lawyer and professor of law. Astonishingly, he came to Korea in early 1946 and led a legal advisory team in the US Army Military Government in Korea (1945-1948, hereafter USAMGIK).<sup>5</sup> He played a crucial role in providing legal interpretation under USAMGIK, with other prominent lawyers such as Ernst Fraenkel, Emery J. Woodall, and John Connelly.<sup>6</sup> Korean literature does not have any meaningful introduction of Pergler and his role into legal history. Considering Pergler's activities under USAMGIK and his Judiciary activities, this lack of research on his activities in Korea is quite surprising, even if there is no serious interest in the Czechoslovak Republic itself. Thus, this paper tries to explain who Charles Pergler was before he came to Korea.

Research on the Czechoslovak Republic rather stresses Thomas Masaryk, first president (1918-1935) and Edvard Benes, the second president (1935-1938, and later leader of Czechoslovak Provisional Government leader during the World War II) and thus does not deal with Pergler's activities for the Czech's liberation movement.<sup>7</sup> Because Pergler was expelled by two leaders from Czechoslovak political arena in the early 1930s, his earlier activities during the World War I in the Chicago area are not well documented in the existing literature.<sup>8</sup>

Pergler was the first Czechoslovak ambassador to the US (1919-20) and the first Czechoslovak Ambassador to Japan (1920-22) at a time when the Czech Legion (militia) in Siberia was involved in the Russian Civil War from 1917-1922. Thus his activities as foreign serviceman fall during the Legion's stay in Russia. At that time, the Korean community in Maritime Province of the USSR also were involved into this Civil War so that Pergler was indirectly connected to the Korean community via the Russian political situation. The Korean Provisional Government in Shanghai received some help from the Czech Legion in terms of the Korean usage of the latter's weaponry against the Japanese army in China.<sup>9</sup>

This paper seeks to examine Pergler's ideas and activities in the US around the time of the First World War, and shed some light on the reasons why he came to Korea later in 1946. Since Pergler was a professor of Constitutional and International Law at the National University with a Common (US) and Continental (Czech) legal background, he came to Korea as a senior legal advisor to USAMGIK.<sup>10</sup> Pergler's legal ideas and his activities in Korea are beyond the scope of this paper, which mostly concerns his activities in the US as a precursor to his later activities in Korea.

## 2. Pergler's Life and Activities for the New Czechoslovak Republic

### 2.1. Personal Life

Charles Pergler was a major figure in the Czechoslovak independence movement in the United States at the time of the First World War; he served in the Czechoslovak Foreign Service and later as a member of that government's parliament. He eventually settled down to teach law in Washington, D. C.

Pergler was born Karel Pergler in 1882 in Liblin, Bohemia, at that time a part of the Austro-Hungarian Empire.<sup>11</sup> His family emigrated to Chicago in 1890, where he graduated from Throop School, a public high school, in 1896. Upon the death of his father, he and his mother moved back to Bohemia, where Charles eventually ended up in Prague. Here, he worked as a business employee and was very active in the trade union and labor movement. It can be inferred that he was connected to socialist and anti-Austrian movements taking place there.

In 1903 Pergler decided to return to the United States in order to work as a journalist and to study law. He was active in the movement for Czechoslovakian independence from the beginning, and was later known as one of the first signatories of the Czechoslovakia Declaration of Independence on November 15, 1915.<sup>12</sup> In Chicago Pergler started working at Spravedlnost, a local Czech language newspaper, and in 1905 began courses at Kent College of Law. It is not clear whether he finished his legal degree in 1908 because it seems that he was officially awarded a degree in 1915. However, after being admitted to the Bar in 1908, Pergler moved to Howard County, Iowa where he practiced law until 1917.<sup>13</sup>

From 1915 to 1918, Pergler was active in mobilizing the Bohemian cause, which accelerated with the outbreak of the First World War, and in lobbying efforts to plead for Bohemian Independence, especially in keeping an active eye on the American English and Czech language presses. While practicing law, Pergler became Czechoslovak spokesman before the Foreign Affairs Committee of House of Representatives in Washington, on February 26, 1916.<sup>14</sup> He delivered addresses at numerous American organizations and conferences, such as the Conference of Small and Oppressed Nationalities, the American Academy of Political and Social Sciences, and New York Academy of Political Science; he later worked as director of the newly formed Slav Press Bureau, from May 1917.<sup>15</sup> Pergler's active involvement in the Bohemian National Alliance is well known. Right before the end of World War I and the independence of Czechoslovakia in late 1918, Pergler became a Masaryk's secretary when the first Czechoslovak president came to Washington D.C.<sup>16</sup>

In October, 1918 the Czechoslovak Republic proclaimed its independence, and Pergler was appointed the first Ambassador to the United States by the new state. At this point he did much to keep the state alive during the final year of the First World War by keeping in close contact with the U. S. Senate and working out loans to Czechoslovakia from the United States.<sup>17</sup>

In 1920 Pergler became Czechoslovakia's first Ambassador to Japan. Among other projects, he was to work with the Soviet government on the release of Czechoslovak prisoners of war still being held in Chita and Vladivostok in Siberia. His aim was probably to return all of the Czech Legion to Czechoslovak Republic.<sup>18</sup> During Pergler's year in Tokyo, however, a scandal emerged which would trouble him for the rest of his career in Czechoslovakian government. Antonin Novak, an assistant to the delegation to Japan, embezzled large sums of money from the embassy's budget. When Prague telegraphed Pergler to fire Novak and have him sent back to Prague, the latter intercepted the communications, preventing Pergler from knowing Prague's position on the issue. In March 1921, Novak left Tokyo for the United States with a large sum of money from the Czechoslovak embassy, and Pergler did not know about this fraud until after Novak had departed. Pergler was immediately relieved of his position, and his pension as a retired member of the Foreign Service was taken away.<sup>19</sup>

Pergler returned to Washington, D.C. and studied law at American University, where he obtained his LL.M. in 1924. He then became the Washington Representative for the Czechoslovak National Council of America until 1927. After further work at the National University College of Law in Washington, Pergler received an honorary LL.D. from the University in 1927.<sup>20</sup>

In 1929 Pergler returned to Prague and was elected to the Czechoslovak parliament, where he served from 1929 to 1931. He soon fell out with Tomas Masaryk (1850-1937), the President of the Republic, and Eduard Benes, the Minister of Foreign Affairs who had fired Pergler nearly ten years before from the ambassadorship to Japan. Pergler was shocked by the censorship imposed by Masaryk and Benes in Prague and began to lead an inquiry into the source of Masaryk and Benes' sudden wealth after the First World War. Although Pergler was removed from the parliament in 1931, he was immediately elected to the Prague City Council.

At this point, Masaryk and Benes had Pergler expelled from Czechoslovakia, claiming that he was not rightfully a citizen of the country because of his time spent in the United States and that he had lied about his place of birth. This is a typical political strife in post-colonial societies. A set of legal documents in Czech in his collection show Pergler's battle in the Czechoslovak courts attempting unsuccessfully to reclaim his rights while living in Washington, D. C.<sup>21</sup>

At last Pergler returned to the US. From 1933 to 1936, he was Dean of the School of Economics and Government at National University, and later the

Dean of the National University College of Law (now the National Law Center at George Washington University), from 1936 to 1946 before he came to Korea. He was also a lecturer at the Catholic University of America and the American University in constitutional law. As mentioned earlier, he then worked as Special Advisor to USAMGIK in Korea from 1946 to 1948. He died in Washington, D. C. in August, 1954. The Charles Pergler Papers at Georgetown University comprise 1.5 linear feet of material consisting of correspondence, legal documents, clippings, ephemera, diaries and other materials arranged in 39 folders in 1 box.

## 2.2. Activities during World War I

It is well known that Tomas G. Masaryk, a professor and politician, led a Czech organization which was anti-Austro-Hungarian in Paris after he fled there in December 1914. In Paris, Masaryk organized the National Council of Czechoslovak Countries of which he himself was president, with Josef Dürich and Milan Stefanik as vice-presidents, and Edward Benes as Secretary-General.<sup>22</sup>

Although Masaryk was pivotal in bringing Czechoslovak national independence to international society, in addition to finance, Czechoslovak national activists needed international support, particularly allied powers such as US, France and UK etc. Thus, US organization for this cause was necessary. When the World War I broke out, the Czechoslovak-American people in Chicago area were also very active in supporting Czechoslovak national independence. The community dates back to around 1860, when immigrants and political refugees flocked together around Chicago. They established Czech schools, media, and fraternity society etc.<sup>23</sup>

The Bohemian National Alliance was organized by Czech-Americans and was the main organ in which Pergler worked. This alliance was born in September 2, 1914 right after Chicago mass meeting on July 28, 1914. Its officials were Dr. Ludvik Fisher, president; Jaroslav J. Zmrhal, English secretary; Karel Vinklerek, Czech secretary, and Jaroslav F. Stepina, treasurer.<sup>24</sup> It is not clear when Pergler became involved in this organization. However, it was certain that he was a key member in 1915 when he supported Bohemian cause.<sup>25</sup>

His activities as an ardent supporter of Czechoslovak Independence involved at least three elements. First, he sent numerous letters to the press and prominent figures for Czechoslovak cause. In the early stages of the World War I, he said, "I am an American citizen of Bohemian (Czech) descent, and that is my excuse for calling your attention to the fact that, while Bohemia unfortunately enough forms a part of Austria, the Bohemians very heartily sympathize with the cause of the Allies, and that they hope that the ultimate victory of the Allies will also result in Independence for the Bohemian nation."<sup>26</sup>

Second, he published his ideas to English and Czech media and academic papers. Incurring Invoking “the ancient rights of Bohemia,” Pergler argued that the Hapsburg “unlawfully and by violence suppressed” it and ended “Czech national life” in the middle of the 18<sup>th</sup> century.<sup>27</sup> To Pergler, the Allied Powers, UK, France, and Russia, seemed sympathetic to Czechoslovak national “liberation” while the Habsburgs suppressed national rights and life in Greece, Belgium, and the Balkan peninsula, especially as regards the Serbs, so that he attempted to put Czech Independence in a more international settings.<sup>28</sup>

Thus, the solution of Habsburg issue was clear to Pergler as follows. The only solution of the problem appears to be the joining of the fragments of those races, which already have their national state, to the parent races; the creation of an independent Bohemian state; of and independent Hungary, reduced of course to its proper ethnical boundaries, permitting the Austrian Germans, in the purely German provinces of Austria, to decide their own destinies.<sup>29</sup>

Pergler seems to use ethnicity and race interchangeably. He recognized that nation is broader than ethnicity and the “modern state-forming force.” It would be “an ultimately irresistible force.”<sup>30</sup> The Independence of the state based upon an ethnicity was to weaken Germany and the Habsburg Empire to “lose this reservoir of human material.”<sup>31</sup>

Ultimately, this dismemberment of the Habsburg Court and following independence of Czechoslovakia would ultimately secure peace in Middle Europe because it will ultimately weaken German war machine.

Bohemia, owing to her geographical position, and being a link between western [*sic*] Europe and the eastern Slav world, is destined to be of great political and economic importance. The fact that Bohemia was able for many centuries to oppose Germanization, that she had not succumbed, although surrounded on all sides by powerful enemies, is the best proof of her capacity to oppose the pan-German plans of expansion toward the east in the future, and to serve as a bulwark of permanent peace.<sup>32</sup>

Bohemian independence would guarantee the peace in Middle Europe as a buffer zone, the idea that is geared to assuage western fear of German expansion into Middle Europe. Bohemian independence, according to Pergler, was related to the post-war European order: how to deal with the Austrian question was the “Turkish problem in another form” because Austria and Turkey could not be federalized with the existing system, only bringing a war “devastating civilized countries.”<sup>33</sup> He was thus involved in a declaration on Czechoslovak Independence and expounding a federal system together with the Slovakia question in Pittsburgh on May 30, 1918, which ultimately paved the way for a declaration of independence by Czech residents in Prague on October 28, 1918.<sup>34</sup>

It is quite surprising that Pergler gave so much credit to the Allied Powers, including Russia. According to him, a “liberal” Russia would be okay because it claimed to have been “a protector of the small Slav

nationalities.” Russia would, he believed, “never again look with equanimity upon the Asiatic oppression of Slovaks by the Magyars [Hungarian], to cite a single illustration.”<sup>35</sup> However, his stance on Russia changed after the war.

There may arise a question whether Czechoslovakia was viable in terms of economic and cultural dimension. Economically, the Czech lands were the riches of contemporary Austrian Empire to the extent that they bore 62.7 percent of the whole burden of Austrian taxation while other vast area covers only 37.3 percent.<sup>36</sup> Regarding the cultural aspect, to Pergler, there was no doubt about the cultural affluence of the Czech lands because the Czech question was one of “restoration” of a once strong and powerful state.<sup>37</sup>

In relation to the media, Pergler protested to media publishers about apparently incorrect knowledge about Czechoslovakia. If some information made the country look awkward to international readers, Pergler criticized it. When one author depicted the Bohemian language as “An uncouth Slav dialect,” he rebutted it, citing the Encyclopedia Americana, arguing “the Czech (Bohemian) language or dialect was the first of the Slavonic idioms which was cultivated scientifically.”<sup>38</sup> With a fundamental trust in Bohemian cultural traits, Pergler propagated his prediction that “When the Bohemians shall have overcome the mountains of prejudice and misinformation erected against them by a hostile German press the world will find in their literature a treasure mine of unsurpassed wealth.”<sup>39</sup>

Pergler also sent letters to US politicians and visited them to discuss the Czechoslovak nationalistic agenda. For example, he sent an “open letter” to Jane Addams, a prominent female activist and “the Memorial” to President Wilson for Bohemian independence.<sup>40</sup>

### 3. Pergler and the New Czechoslovak Republic

#### 3.1. Defending the New Republic in the International Arena

When a new Czechoslovak Republic was born in December 1918, Charles Pergler was actively involved in consolidating the new state, with a keen eye on European and US politics. First of all, as Ambassador to the US and then to Japan from 1919 to 1921, Pergler sought to justify the independence of the Czechoslovak Republic as he had done during World War I. Going back to the seventh century, he posited the existence of a Czech state that had existed until right before the Thirty Year War (1618-1648). To him, the oldest university in Central Europe (the Charles University) was founded in Prague, in Bohemia in 1348, and martyr John Huss was active before Luther “by a hundred years.”<sup>41</sup> Pergler also argued that in the early 19<sup>th</sup> century the Czech lands embraced their own history and participated in a rebellion against the Austrian Empire in 1848.

However, Hungary was successful in securing its own interest against the Habsburgs in 1867 and invaded the Slovaks, while the latter and the Czechs understood each other well enough to form one state.<sup>42</sup>

This, then, led to self-determination from a legal perspective. "The Czech State never ceased to exist legally; Czechoslovakian claim to independence were recognized before the armistice by all the European powers as well as by the United States." Thus, the Czechoslovak Republic was not "created" by the Paris Conference right after World War I. Rather, the peace conference in Paris simply "acknowledged an existing fact." Furthermore, the Czechoslovak Republic became a "participant in the peace conference as a sovereign power."<sup>43</sup>

Having consolidated independence, however, a thorny question arose: how to make a new republic's reform agenda understood among international observers? Pergler's work focused on making a logic for this. He had to justify "far-reaching social and economic reforms" because "the large estates will be redeemed for home colonization; patents of nobility will be abolished."<sup>44</sup> It was plausible that the Allied Powers would be concerned about the possible scenario that a new republic would lean to Revolutionary Russia, or Russia wield hegemony over Czechoslovakia due to the traditional Russian security dilemma.

Pergler argued that the reform methods were "diametrically opposed" to Bolshevism as follows.

The art of real statesmanship may be said to consist in bring about new social formations without violence and without bloodshed. This, so far, the Czechoslovak Republic has accomplished. It seems to have taken a leaf out of the book of Anglo-Saxon history, as exemplified both in Great Britain and the United States, the most marked feature of which is the fact that in most cases fundamental changes in government and society were accomplished peacefully.<sup>45</sup>

It was possible to assuage the fears of the Western powers because President Masaryk himself was strongly opposed to militarism and Bolshevism. Masaryk arrived in Petrograd on May 15, 1917 for negotiations about the Czech Legion. During his six-month stay in Russia, he witnessed the lukewarm Bolshevik policy towards a new rising Czechoslovak Republic.<sup>46</sup> Around the time World War I broke out, Czech intellectuals had been divided over the post-war Czechoslovak Republic's foreign policy, whether it should be pro-Russia or pro-Western Europe. Many intellectuals were supporting a pro-Slavic position, which was relevant to ethnic similarities and historical experience.<sup>47</sup> However, Masaryk firmly believed that the Czechoslovak people had more close links with especially the French and the Germans, than with the Russians and other Slavonic people.<sup>48</sup> Thus, as the first Czechoslovak Ambassador to the US, Pergler tried to explain Czechoslovak domestic and foreign policy from the perspective of American ideology. First of all, he argued that the US and Europe have fundamental differences in solving social



issues. Particularly, a European solution should be based upon "the cooperative school of thought" while Americans might defend "the individualistic school of political economy." In spite of this trait, to Pergler, Czechoslovak policy was "thoroughly democratic" when one of the first acts of the Czechoslovak National Assembly was to abolish "all patents of nobility."<sup>49</sup>

Second, Pergler defended the Czechoslovak National Assembly's law (April 16, 1919) on land expropriation or confiscation of large landed estates. In doing so, he claimed that the Russian Revolution had "hesitated to deal with this question," and most estates in this category were held by "alien nobility and the late [Habsburg] imperial house."<sup>50</sup> Quite surprisingly, he averred that the estates fell into the hands of a small number of families during the "carpet-bagging period of the Thirty Years War [1618-1648], when Bohemia was plundered right and left by the Hapsburgs and their retainers."<sup>51</sup> Again, the Czech pure national economic lifestyle was depicted as dating back to the 17<sup>th</sup> century. It is extremely difficult to trace a property which is not based upon "robbery, theft or fraud," a category that the government allegedly sought to compensate.<sup>52</sup>

Third, right after the property expropriation law, the Czechoslovak Republic was set to pass a labor law establishing an eight-hour working day and "a scheme of insurance against unemployment, against sickness and accident," a law that can be called social legislation. Pergler argued that this should not be "confused with Soviet institutions" because as a chamber of commerce and similar institutions have legal status, there is "no reason why there should not be workingmen's chambers."<sup>53</sup> Since this social change did not bring violence and bloodshed, it could be called as "the art of real statesmanship." It could be justified that "it seems to have taken a leaf out of the book of Anglo-Saxon history, as exemplified both in Great Britain and the United States." Furthermore, Pergler disconnected Czechoslovak reform from Bolshevism because the former was possible to achieve through "parliamentary methods" peacefully.<sup>54</sup>

Fourth, Pergler brought democratic ideals in controlling Army, providing universal suffrage, and empowering presidential powers. Although the Czechoslovak presidential enjoyed greater powers than his European counterparts, the National Assembly still retained democratic control.<sup>55</sup>

Last but not least, there was the minority issue within the Republic. Table 1 shows the minority population.

Table 1. *The Composition of the Czechoslovak Population (1921)*

Ethnic Groups	Number	Percentage
Czechoslovaks	8,759,186	65.53
Russians	459,346	3.44
Germans	3,122,390	23.36
Magyars	745,935	5.58
Poles	75,656	0.57
Jews	180,332	1.35
Miscellaneous	23,235	0.17
Total	13,366,080	100.00

\*Source: Charles Pergler, "Minorities in Czechoslovakia," *The New York Times Current History*, 17/2 (November 1, 1922).

In Bohemia, there were still at least three million ethnic Germans, so that there was a suspicion of the government's suppression of this minority. However, Pergler defended the new Republic's policy as follows.

This fact entitles us to all the sympathy the world can give us, especially when we bear in mind that this is a German minority. This minority is entitled to fair treatment. The Czechoslovak delegation at the Peace Conference, in outlining our claims, declared that the New [*sic*] republic will guarantee to national minorities full freedom of development and cultivation of racial individuality.<sup>56</sup>

This meant providing democratic autonomy to minorities under one nationality. To Pergler, the Czechoslovak laws accorded minorities "larger and more substantial rights than demanded or contemplated by the Paris treaties."<sup>57</sup> It is tragic and ironic that this minority right was appropriated by German national jingoists to annex Czechoslovakia in 1938.<sup>58</sup> Thus, when German jingoists supported Czechoslovakia's incorporation into the German Empire in the name of self-determination, Pergler criticized this annexation because as even Hitler admitted, "nowhere in Central Europe – probably nowhere in Europe, for let us remember Alsace – can boundary lines be drawn without including other nationalities [ethnicities]."<sup>59</sup>

In a nutshell, to Pergler, the new Republic's experience was "the greatest experiment in really liberal and progressive government ever undertaken on the European Continent," and thus "entitled to the sympathy and aid of the great American democracy."<sup>60</sup> For him, the Czechoslovak post-war reforms were in keeping with the Anglo-Saxon tradition.

### 3.2. Supporting the Czech Legion in Siberia

Even if the new Czechoslovak Republic was established, the Czech Legion was still stuck in Russian territory. In October 1917, the year before the birth of the Czechoslovak Republic, the Bolshevik Revolution occurred in Russia. The Czechoslovak National Committee had begun to organize the Czech Legion in France, Italy and Russia just after the outbreak of the

World War I in 1914. In Russia, in particular, there were a more than 70,000 Czechoslovak soldiers who had formerly served the Austro-Hungarian Empire in waging war against Russia. The Czech Military Legion was crucial for the Allied Powers to concentrate their military powers on the Western front because the Legion was still threatening the Eastern front.<sup>61</sup>

When the Russian Revolution in November 1917 brought Vladimir Lenin (1870-1924) and the Bolsheviks to power, Masaryk and Czechoslovak National Committee negotiated with them. In February 1918, Masaryk secured the status of armed neutrals for the Czech Legion, in order for them not to be involved in the Civil War. In reality they were heading for Vladivostok in Siberia from Ukraine with the Trans-Siberian railroad and were supposed to be shipped to Western Europe, where they would join the French army and fight in northern France against Germany.<sup>62</sup>

However, Revolutionary Russia and the Austro-Hungarian Empire signed the Treaty of Brest-Litovsk on March 3, 1918, ending hostilities between Russia and the Central Powers, and thus preventing the Russian government from permitting hostile activities towards Austrian-Hungary within Russian territory. This treaty put the Czech military in an awkward situation, so that both the Red Army and the White Army attacked the legionnaires as they were moving along the Siberian railroad.<sup>63</sup> Due to Czech activities in Siberia, the Central Powers' troops were not able to divert their military units to northern France in order to challenge the Allied powers. Thus, the Czechoslovak leaders were able to achieve the French government's official recognition of the Czechoslovak army under the leadership of the Czechoslovak National Council in December 1917. Furthermore, after the US declared war on the Central Powers in late 1917, approximately 40,000 Czech-American and Slovak-Americans joined the US forces.<sup>64</sup> Thus, due to Czech Legion's exploits in Siberia, the Czechoslovak National Council was recognized by the Allied powers: by the French on June 30, 1918, the British on August 9, 1918, and the United States on September 3, 1918.<sup>65</sup>

Consequently, the Czech Legion in Siberia became involved in the Russian Civil War when the Soviet Red Army attacked the former Romanov Imperial (White) Army. Since pre-revolutionary Russia was part of the Allied Powers with UK, France, and later US, and the Czechoslovak Republic was about to be born with the disappearance of Austro-Hungarian Empire, the new Czechoslovak Republic was demanding Czech Legion to attack the Red Army. The leaders of Czechoslovak Republic though that in order to end the First World War, Soviet Russia should not make peace with Germany and/or Austria-Hungary. Thus, it was natural for them to attack behind the lines in Soviet Russia. This created a difficult situation because Czech Legion's attack on the Red Army provoked the Japanese and American armies to enter Siberia.

Consequently, Korean nationalists who were fighting against the Japanese in Manchuria bordering on Russian Territory were perplexed to see the influx of Japanese military divisions, leading to the division of the Korean community in Russian territory.<sup>66</sup>

Pergler, as Czechoslovak Ambassador to the US and Japan, was involved in the Czech Legion's safe repatriation to Czechoslovakia. In 1919, he argued that the Czech Legion in Siberia, which would be a cardinal army echelon in the new Republic, was "very democratic" because "as is inevitable from its origin" it had been organized "voluntarily by the men themselves for the purpose of fighting for the independence of their native land, and against German, Magyar [Hungary] and Prussian militarism."<sup>67</sup>

Against this backdrop, Pergler's conspicuous activities as Czechoslovak Ambassador to the US and to Japan was closely related to US loans to the Czechs and the Japanese to help to bring the Czech Legion home to Western Europe.

### **3.3. World War II and Pergler's Defense of the Czechoslovak Republic**

When the Munich Pact of 1938 paved the way for Germany to annex Czechoslovakia, Pergler vehemently criticized it and its related logic, especially a widely known argument that the World War I only produced a Czechoslovak Republic due to the Czech politicians' adroit tactics and the Allied Powers' acquiescence. The implication is clear that the Allied Powers were able to permit Germany to annex this peaceful new republic in order to return to pre-1914 era. Citing wartime Czech nationalists' activities, Pergler argued as follows.

Czechoslovak independence was not a gift of magnanimous powers, who therefore could take away what they gave. It will also be clear that the Czechoslovak state was established upon a much firmer foundation than the diplomacy of individuals, and that, by the same token, dismemberment of the republic cannot make of permanent peace.<sup>68</sup>

Additionally, as mentioned earlier, there was some justification on the part of Czech Germans who called for the German Empire to annex the Czechoslovak Republic, from which perspective annexation was a self-determination. However, Pergler argued that the Czech Germans were not a nationality but a minority, as found in other European countries including Poland, Italy, Lithuania, and even France, a minority who enjoyed the same "civil, political, and cultural rights which, by the way, do not prevail in Hitler's Germany."<sup>69</sup> Thus, to Pergler, Great Britain and France's acts in delivering Czechoslovakia to Germany through the Munich Pact was "more brutal than the partitioning of Poland in the eighteenth century" because "Poland was dismembered by her enemies,

while Czechoslovakia was dismembered with the aid of her alleged friends."<sup>70</sup>

Great Britain and France's abandonment of Czechoslovakia to Germany was not simply a state-versus-state issue, but was also tantamount to disregard for the Covenant of the League of Nations, particularly Article 10 and 11 respectively, leading to "the cruelest kind of deceit."<sup>71</sup>

Article 10: "The members of the League undertake to respect and preserve as against external aggression the territorial integrity and existing external aggression the territorial integrity and existing independence of all Members of the League.";

Article 11: "Any war or threat of war, whether immediately affecting any of the Members of the League or not, is hereby declared a matter of concern to the whole League, and the League shall take any action that may be deemed wise and effectual to safeguard the peace of nations....."<sup>72</sup>

Thus, the German annexation of Czechoslovakia was a fierce attack on the spirit of the Versailles Treaty and the post-World War I international regime.<sup>73</sup> During World War II, Pergler called for the restoration of pre-Pact-of-Munich situation, saying that "the first post-war task should be the undoing of all results of aggression and restoration of the pre-aggression international status without interference in purely domestic affairs of the liberated countries."<sup>74</sup>

Consequently, Pergler's understanding of World War II and its solution was to support the argument that it should start from the post-war Czechoslovakia in Europe.

#### 4. Conclusion

As the Czechoslovak Republic was about to be born in 1918, two things stand out as worthy of mention. One is Czech-American activities supporting propaganda against Austro-Hungarian Empire, the work tune to the Czechoslovak Provisional Government in Paris. Charles Pergler was unquestionably a key person in supporting this cause. The other is the activities of the Czech Legion in former Russian Empire, particularly in Siberia up to 1922. The Entente or allied powers did support the Czech Legion because they were afraid that Red Russia conclude separate peace treaties with Germany and Austria-Hungarian Empire so that two countries would divert its military power to the Western Frontier where the US, France and UK tried to concentrate its own wartime efforts to block the expansion of two Central Powers. Thus, the Czech Legion was threatening Red Russia not to finish the war efforts against Germany and Austro-Hungarian Empires.

Charles Pergler was a pivotal person for the Czechoslovak national cause in the international arena as Czechoslovak Ambassador to the US and to Japan, respectively from 1919-1920 and 1920-1921. The reason why he became a high official is because he was actively involved in

Czechoslovak Independence as one of the Bohemian National Alliance members, where he ardently promoted its cause, using media, holding conferences, and appealing to the US government. Although he was forced to come back to the US in the early 1930s due to his citizenship disputes and political strife, he also supported the consolidation of the new republic. We can infer that due to his ardent championship of Czechoslovak Republic based upon rule of law, he later agreed to come to post-war Korea as a senior legal advisor in order to set up a new Republic of Korea.<sup>75</sup> His thoughts about the Constitution and rule of law in the US and new Republic deserve further research.

Not only in Korean-European and Korean-American relations, but also in terms of his personal life, Charles Pergler shows a fascinating example of transnational dimension of thoughts and institutional makings, the national independence and legal reform. Although Pergler zealously supported Czechoslovak nationalism, due to his support of the Czech Legion, leading to White Russian support and indirectly Japanese expeditions to Siberia, his approach to national liberation is Euro-centric with conflicting values. This is partially related to the character of self-determination which President Wilson proclaimed, because the idea only applied to the Central Powers' territory, mostly the Austro-Hungarian Empire. Thus, as Pergler's case shows, it would be worth shedding light on Korean-European international encounters through more case studies, leading to international or global history.

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\* Jong-Chol An – Junior professor, Department of Chinese and Korean Studies at University of Tübingen, Tübingen, Germany

<sup>1</sup> Czechoslovakia was composed of the Czech lands (Bohemia and Moravia) and Slovakia up to 1992.

<sup>2</sup> Alexander Watson, *Ring of Steel: Germany and Austria-Hungary at War, 1914-1918* (Penguin Books, 2015), pp. 537, 541.

<sup>3</sup> For the Czechoslovakian history, see William Mahony, *The History of the Czech Republic and Slovakia* (Santa Barbara, CA etc.: Greenwood, 2011), pp. 78-83.

<sup>4</sup> Michael R. Cude, "Wilsonian National Self-determination and the Slovak Question during the Founding of Czechoslovakia, 1918-1921," *Diplomatic History*, 2014.

<sup>5</sup> As for general information on his life, see his biography at Georgetown University Library website, available at

<https://repository.library.georgetown.edu/bitstream/handle/10822/558689/GTM.000004.html?sequence=1> (last accessed on October 17, 2015).

<sup>6</sup> As Prof. Choi mentioned, except Ernst Fraenkel, there is no concrete information about other legal scholars or lawyers who came to Korea. Chongko Choi, "Western Jurist on Korean Law: A Historical Survey," *Journal of Korean Law* Vol. 2, No. 1, 2002, p. 182; Although Pergler seemed deeply involved into Korean Constitution and administrative law makings, it still waits for scholarly investigation of his activities in Korea. See e.g. Taek Sun Lee, "Han'guk ūi hyōndae Minjujuŭi kukka kōnsōl, 1945-1948"[Democratic Nation Building in Modern Korea, 1945-1948], in National Museum

of Korean Contemporary History ed. "Han'guk ūi Minjujuūi wa Hanmi kwangye kyōlkwa pogosō"[A Report on Korean Democracy and Korean-American Relations](December 2013), pp. 70, 73-74.

<sup>7</sup> This is not exception in recent literature. Patrick Crowhurst, *A History of Czechoslovakia between the Wars: From Versailles to Hitler's Invasion* (London and New York: I.B. Tauris, 2015), p. 21 ("The key factor was Tomas Masaryk and Edvard Benes' success in arguing for the state to be created.") and pp. 54-55 ("Masaryk, Benes and the Czechs who had created the First Czechoslovak Republic were no doubt elated by their success"); William Mahony, *The History of the Czech Republic and Slovakia*, p. 136 ("Leaders of the committee, renamed the Czechoslovak National Council in February 1916, included Masaryk, Stefanik, Benes, and the Agrarian Party representative Josef Dürich").

<sup>8</sup> Although Pergler's activities receive credit for his Bohemian National Alliance-related works, they are simply considered part of the larger Czech nationalist project. See e.g. Joseph Jahelka, "The Role of Chicago Czechs in the Struggle for Czechoslovak Independence," *Journal of Illinois State Historical Society*, Vol. 31, No. 4 (December 1938), p. 402 ("Through Pergler's activity as a speaker and propagator, the cause reached the highest authorities in the country...[However,] Pergler was only one of the many who advanced the interests of the Czech question in America.")

<sup>9</sup> This information came from Hō Man-Wi, "Hangil tongnipkun, Ch'eko kundun muki pimil unban sarŷe yōn'gu"[A Case Study on anti-Japanese Independence Army's Secret Conveyance of Czecho Legion's Weaponry], *Kunsasa yōn'gu* 7 (Summer 1996) where the author cites several interview records. However, it is still not clear who initiated this transfer of weaponry.

<sup>10</sup> His work on the US Constitution and International Law is a window through which scholars explain his legal thought. Charles Pergler, *Judicial Interpretation of International Law in the United States* (New York: the Macmillan Company, 1928), 222 pp. This book deals with US federal and state court decisions regarding international law.

<sup>11</sup> Regarding his life, I depended upon the Georgetown University Library website on the Charles Pergler Papers (<https://repository.library.georgetown.edu/bitstream/handle/10822/558689/GTM.000004.html?sequence=1#ref3>) and "Biographical Information" (April 19, 1919), The Charles Pergler Papers in Georgetown University Special Collection Research Center (hereafter Pergler Papers), Box 1 Folder 33.

<sup>12</sup> William Mahony, *The History of the Czech Republic and Slovakia*, p. 136("On November 14, Masaryk announced the founding of the Czech Committee Abroad in Paris in order to conduct negotiations with the government of the Allied Nations."). The date November 14 is European time while November 15 is US Mid-west time. Here again existing literature ascribe the announcement of Czech Independence to the first Czech President Masaryk.

<sup>13</sup> There is possibility that he got a LL.M degree in 1915. Edmund W Burke (Dean at Kent College of Law) to Charles Pergler (April 27, 1915), Pergler Papers, Box 1, Folder 1.

<sup>14</sup> "Biography," April 19, 1919, Pergler Papers, Box 1, Folder 33.

<sup>15</sup> *Ibid.*

<sup>16</sup> *Ibid.*; Charles Pergler, "Czechoslovakia: a Symbol and a Lesson," *The Virginia Quarterly Review*, 15/1 (Winter 1939), p. 8.

<sup>17</sup> For example, Pergler was instrumental when Czech got US loans, \$4,800,000 from the US government on January 13, 1919. "Certificate of Indebtedness," (January 13, 1919), Pergler Papers, Box 1, Folder 24.

<sup>18</sup> There is no concrete evidence of this information without any information on this in Pergler Papers. See Georgetown University Library website, available at <https://repository.library.georgetown.edu/bitstream/handle/10822/558689/GTM.000004.html?sequence=1#ref3>.

<sup>19</sup> One year later, he published Ph.D. dissertation. "Biography," April 19, 1919, Pergler Papers, Box 1, Folder 33.

<sup>20</sup> See Georgetown University Library website, available at <https://repository.library.georgetown.edu/bitstream/handle/10822/558689/GTM.000004.html?sequence=1#ref3>.

<sup>21</sup> Joseph Jahelka, "The Role of Chicago Czechs in the Struggle for Czechoslovak Independence," pp. 395-396.

<sup>22</sup> *Ibid.*, p. 381.

<sup>23</sup> *Ibid.*, p. 391.

<sup>24</sup> Charles Pergler, "Czechoslovakia: a Symbol and a Lesson," pp. 9-10.

<sup>25</sup> See e.g., Charles Pergler to Sir Gilbert Parker (July 23, 1915), Pergler Papers, Box 1, Folder 2 (Correspondence, July-September, 1915).

<sup>26</sup> Charles Pergler, "The Austrian Problem," *Proceedings of the Academy of Political Science in the City of New York*, Vol. 7, No. 2 (July 1917), pp. 139-140.

<sup>27</sup> *Ibid.*, pp. 140-142.

<sup>28</sup> *Ibid.*, p. 143.

<sup>29</sup> Charles Pergler, "The Bohemian Question," *Proceedings of the Academy of Political Science in the*

*City of New York*, Vol. 7, No. 2 (July 1917), p. 155.

<sup>31</sup> Charles Pergler, "The Austrian Problem," p. 144.

<sup>32</sup> *Ibid.*, p. 145; Charles Pergler, "The Bohemian Question," p. 156 ("Austria even so mutilated would continue to be a source of strength to Germany, and would form a basis for another attempt to realize pan-German plans of middle Europe and the consequent conquest of the world.")

<sup>33</sup> Charles Pergler, "The Bohemian Question," p. 156.

<sup>34</sup> Charles Pergler, "Czechoslovakia: a Symbol and a Lesson," pp. 9-10.

<sup>35</sup> Charles Pergler, "The Bohemian Question," *Ibid.*, pp. 156-157.

<sup>36</sup> *Ibid.*, p. 157.

<sup>37</sup> *Ibid.*, p. 160.

<sup>38</sup> Charles Pergler, "An Uncouth Slav Dialect," *The North American Review*, Vol. 201, No. 710 (Jan., 1915), p. 111; Another example is from Pergler Papers, Box 1, Folder 4, Charles Pergler to Editors New Review (November 22, 1915).

<sup>39</sup> Charles Pergler, "An Uncouth Slav Dialect," p. 111.

<sup>40</sup> Charles Pergler to Friends (November 16<sup>th</sup>, 1915), Pergler Papers, Box 1 Folder 4 (Correspondence, November-December, 1915), p. 2.

<sup>41</sup> Charles Pergler, "Czechoslovakia: a Symbol and a Lesson," p. 6.

<sup>42</sup> Charles Pergler, "The Right of Czechoslovakia to Independence," *The New York Times Current History* 14/6 (September 1, 1921), pp. 942-943.

<sup>43</sup> *Ibid.*, p. 943.

<sup>44</sup> Charles Pergler, "An Experiment in Progressive Government: the Czechoslovak Republic," *Annals of the American Academy of Political and Social Science*, Vol. 84 (July 1919), p. 58.

<sup>45</sup> *Ibid.*, pp. 60-61.

<sup>46</sup> For Masaryk's visit and stay in Revolutionary Russia in May to November 1917, see William Mahony, *The History of the Czech Republic and Slovakia*, pp. 138-139.

<sup>47</sup> Václav Klobáček, the head of the National Socialists and Karel Kramář were exemplary people for this movement. See *Ibid.*, p. 132.

<sup>48</sup> *Ibid.*, p. 130.

<sup>49</sup> Charles Pergler, "An Experiment in Progressive Government: the Czechoslovak Republic," pp. 58-59.

<sup>50</sup> *Ibid.*, p. 59.

<sup>51</sup> *Ibid.*

<sup>52</sup> *Ibid.*

<sup>53</sup> *Ibid.*, p. 60.

<sup>54</sup> *Ibid.*, pp. 60-61.

<sup>55</sup> *Ibid.*, p. 61-62.

<sup>56</sup> *Ibid.*, p. 62.

<sup>57</sup> Charles Pergler, "Minorities in Czechoslovakia," *The New York Times Current History* 17/2 (November 1, 1922), p. 311.

<sup>58</sup> Particularly, there were active Sudeten Nazi Party members from the 1920s. See Patrick Crowhurst, *A History of Czechoslovakia between the Wars*, pp. 82-100.

<sup>59</sup> Charles Pergler, "Czechoslovakia: a Symbol and a Lesson," pp. 10-11.

<sup>60</sup> The category that the law applied was large estates "exceeding 150 hectares of land under cultivation or that can be cultivated, and 100 hectares of woodland." The expropriated land was over 1,300,000 hectares of cultivated land, and 3,000,000 hectares of woodland, which would be provided to 430,000 families. Charles Pergler, "An Experiment in Progressive Government: the Czechoslovak Republic," p. 63.

<sup>61</sup> Patrick Crowhurst, *A History of Czechoslovakia between the Wars*, p. 21.

<sup>62</sup> William Mahony, *The History of the Czech Republic and Slovakia*, pp. 138-139.

<sup>63</sup> *Ibid.*, p. 139.

<sup>64</sup> *Ibid.*, pp. 139-140.

<sup>65</sup> President Woodrow Wilson was quoted as saying that "Throughout the war, by your entire course of conduct, and by your legions, you have shown you demand independence, and we have merely recognized an accomplished fact," shortly after recognition of the Czechoslovakia National Council. Charles Pergler, "Czechoslovakia: a Symbol and a Lesson," pp. 7-8.

<sup>66</sup> Sang-Won Yun, "Siberia naejön ūi palbal kwa Yōnhaeju hanin sahoe ūi tonghyang," [Korean Community in Russian Far East during the Civil War], *Han'guk sahakpo*, Vol. 41, pp. 277-283.

<sup>67</sup> Pergler, "An Experiment in Progressive Government: the Czechoslovak Republic," p. 61.

<sup>68</sup> Charles Pergler, "Czechoslovakia: a Symbol and a Lesson," p. 10.

<sup>69</sup> *Ibid.*, p. 11.

<sup>70</sup> *Ibid.*, p. 12.



<sup>71</sup> *Ibid.*, p. 14

<sup>72</sup> For the Articles of the Covenant of the League of Nations, available at <http://www.unhcr.org/refworld/docid/3dd8b9854.htm>

<sup>73</sup> Pergler believed that the British policy towards Czechoslovakia was to block Soviet expansion into the country, when he said that "the cry that Czechoslovakia is an advance guard of Bolshevism was always another case of fraudulent propaganda." See Charles Pergler, "Czechoslovakia: a Symbol and a Lesson," p. 19.

<sup>74</sup> Charles Pergler, "The Munich Repudiation," *The American Journal of International Law*, Vol. 37, No. 2 (April 1943), p. 310.

<sup>75</sup> Charles Pergler and Ernst Fraenkel (1898-1975) were active in legal affairs under USAMGIK and involved in the Korean national election on May 10, 1948. See e. g. William R. Langdon to Secretary of State telegram, March 10, 1948 (501.BB/KOREA/3-116)